



Policy:	Disciplinary Policy and Procedure (Australia)
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Authorised by:	CEO
Location:	HR Manual

Philosophy:

The Modern Star Group (“Modern Star” or “the Company”) is committed to supporting its employees to perform and meet business expectations.

We aim to ensure that our people behave in a way that ensures everyone, including our clients, customers, suppliers and business partners, are treated fairly and without bias or discrimination. We encourage behaviour that supports and fosters self-discipline and promotes our Company Code of Conduct.

Where deemed appropriate, disciplinary measures may be taken when people behave in a way that detracts from our ability to deliver quality product or service to our clients or customers, contradicts our Code of Conduct or in any other way is perceived to adversely affect our company, objectives or good reputation.

This policy ensures compliance with Australia’s workplace legislative framework covering work, health & safety, employment, human rights and discrimination, such as, but not limited to Australian state and federal human rights and anti-discrimination legislation, *the Fair Work Act 2009*, and *Fair Work Amendment Acts*, Australia’s model *Work, Health & Safety (WHS) laws 2011* and follows the Australian Fair Work Ombudsman Best Practice Guide for Managing Under Performance.

The primary objective of this policy and procedure is to explain what types of behaviour or conduct constitutes unacceptable workplace behaviour and conduct and provide a framework to understand the procedures and actions that can be undertaken to address unacceptable workplace behaviour and conduct, as well as unsatisfactory performance.

Scope:

This policy applies to all employees of the Modern Star Group working in Australia. This policy and procedure is not limited to the workplace or working hours, and will include any place where work is



carried out for the Company and any place where a worker goes or is likely to be while at work or in connection with a person's employment.

Policy Statement:

The Modern Star Group expects all employees to undertake their work duties and behave in accordance with Company standards and values.

Informal counselling, or other similar good management practices are Modern Star's preferred method for resolving issues or concerns. However, Modern Star may invoke the formal Disciplinary Procedure in circumstances when it is determined that counselling is not appropriate, and where, but not limited to, the behaviour, conduct or performance of an employee is not in the interests of Modern Star and/or contravenes Company standards or values.

Modern Star will endeavour to offer the employee an opportunity to improve unsatisfactory performance or unacceptable conduct through appropriate corrective action in accordance with relevant Company policies, procedures, or awards/partnership agreement provisions. However, in cases of serious misconduct, instant/summary dismissal may be warranted.

Modern Star aims to ensure that any concern or issue regarding unsatisfactory performance or unacceptable behaviour or conduct, and any consequent disciplinary action, will be handled promptly, appropriately, fairly and consistently, in line with the principles of natural justice.

Definitions:

Support person

In Australia as best practice, in meetings or discussions which relate to the potential termination of employment, employees may bring a support person to assist. However, 'support' persons should not act as an advocate or talk on the employee's behalf. Employers should not refuse any reasonable employee's request to have a support person present. The employer can only refuse a preferred support person if there are reasonable grounds to do so, such as a conflict of interest or a health and safety concern. For example, the support person should not be a witness to, or otherwise be associated with an investigation, or have any personal interest in the outcome.

A support person can be a co-worker, friend, family member, union representative, union delegate or lawyer. However, a lawyer cannot act in a professional capacity as a representative.

Misconduct

Examples of misconduct may include, but are not limited to:

- Repeated lateness;
- Behaving unprofessionally;
- Breaching confidentiality;



- Breaching clauses in the employment contract/ agreement, e.g. not following absence reporting procedures;
- Unsafe behaviour;
- Using inappropriate language;
- Internet misuse;
- Minor instances of failing to follow an employer's reasonable and lawful instruction; or
- Minor breaches of the employment contract/agreement e.g. inappropriate clothing.

Minor misconduct can usually be dealt with informally however, if the behaviour continues, or if it is something more serious, the formal disciplinary process will be applied.

Serious Misconduct

Serious misconduct is labelled 'serious' because it can have the effect of destroying or undermining the relationship of trust and confidence between an employee and employer. Without this trust and confidence an employment relationship cannot continue. Examples include, but are not limited to:

- Violent behaviour;
- Bullying;
- Harassment;
- Theft or fraud;
- Behaviour that endangers the health and safety of the employee or others;
- Use of illegal drugs at work; or
- Dishonesty

Summary Dismissal

Summary dismissal or instant dismissal is when an employee is dismissed without notice for serious misconduct. This means they are not:

- Able to work out their notice period; and
- Paid out for their notice period.

An employee may be summarily dismissed if, after a fair investigation and disciplinary process, they are found guilty of serious misconduct. This is conduct that deeply impairs or is destructive to the relationship of trust and confidence.

Disciplinary Procedures

The following section outlines a range of formal and informal disciplinary processes that may be utilised to address issues, which generally fall into two categories:

- Unsatisfactory performance (can't do); and
- Unacceptable behaviour/conduct or misconduct (won't do).



Before determining how to manage issues, Managers must evaluate the nature, severity and frequency of the alleged performance or conduct in question, to determine how the issue can best be managed and whether it should be managed informally or formally.

Where serious misconduct is alleged, the incident must be managed formally.

When managing an issue/concern, the investigator and any relevant decision makers must adhere to key principles of natural justice and follow a fair process in accordance with Australian employment law. Both parties must also comply with the duty of good faith during this process, in particular, the parties must be responsive and communicative.

Prior to any action, investigations appropriate to size of the issue should be conducted fairly and promptly.

During any investigatory or disciplinary meeting, notetaking by the employee (or support person) is permitted, however, audio recording is strictly not permitted. Any breach of this rule may lead to disciplinary action.

Workplace Investigations

Investigations are the information and evidence gathering stage of the process to establish if there is evidence to suggest that disciplinary action is appropriate. Investigations should be appropriate to the size and issue concerned. They should be confidential, prompt, conducted in good faith and in accordance with natural justice. This includes not predetermining the outcome or leaping to conclusions. All relevant facts should be gathered as is reasonably practical. This may include analysing documents, such as but not limited to; training records, policy declarations, performance reviews, position descriptions, or can involve interviewing witnesses or a complainant.

If it is deemed necessary for an investigation to be undertaken, arrangements will be made for it to be undertaken by a person or persons, and in a manner and time frame, as determined by Modern Star at its discretion. However, the following steps will generally be followed:

- The selection of an appropriate investigator, someone not involved in the matter to be investigated and also, where reasonably practical, a different person to the person/decision maker involved in any disciplinary action that may follow;
- The gathering of all relevant facts/information to determine what occurred. This may include analysing documents or data (training notes, emails, etc.) and interviewing witnesses or a complainant.
- Advising anyone to be interviewed about the matter concerned and why being investigated/the level of seriousness;
- Advising an employee if an allegation has been made against them. Employees are entitled to know the identity of the witnesses so they can respond to them fully (fair process). Witnesses should be told that the information they give will be confidential to the investigation, but that the person whose conduct is under investigation will be given the notes/summary of meeting notes



and this will identify them (in very rare cases and for a good reason it may be acceptable for witnesses to be anonymous);

- Offering the opportunity to bring a support person as appropriate, i.e. for an employee making a complaint or having a complaint made about them;
- As appropriate, in an investigatory meeting, providing any relevant documents and summaries to allow a person to respond. E.g. allegation statement, cash register reports, training records, policy document, performance plan, etc.
- Advising any person interviewed that confidentiality must be maintained and any victimisation/retaliation will not be tolerated
- Once the investigation is complete making an informed assessment of the evidence and a determination of what has occurred/ whether an allegation is substantiated and what action should be taken e.g. if disciplinary action is appropriate;
- Preparing an investigation report, including recommendations for action to be taken (this may include disciplinary action for any substantiated allegation or unacceptable conduct) and for performance matters may involve a performance improvement plan; and
- Communicating the findings of the investigation to the employee concerned and any complainant (in person where possible) and next steps. i.e. if an informal or formal disciplinary meeting may occur or a performance counselling/improvement plan meeting.

Informal Disciplinary Processes

Informal processes may be used to address employee's conduct/behaviour or performance which is not sufficiently serious in nature or frequency to warrant formal disciplinary action and as an attempt to correct a situation and prevent it from getting worse without having to commence formal disciplinary action. Informal processes are part of managers' normal management actions.

A manager in a work situation has the right to have one-to-one informal discussion with any team member, at any time to explain that conduct/behaviour or performance is unsatisfactory or unacceptable and that it must improve. Any incident of performance/conduct below the required level should result in feedback to the employee. This can be an informal comment rather than a structured meeting however, should be noted for future reference.

An informal counselling discussion is a private discussion between an employee and the relevant manager and should include the following steps:

1. Identify and assess the issue
 - How serious the problem is?
 - How long the problem has existed?
 - How wide the gap is between what is expected and what is being delivered?
2. Meet with the employee in an environment that is comfortable and non-threatening, away from distractions and interruptions to discuss.



4. Be specific on;
 - What the issue is?
 - Why it is an issue?
 - How it impacts on the workplace?
 - Why there is a concern?
5. Allow the employee to have the opportunity to respond to concerns raised;
6. Clarify the expected level of performance and/or conduct required;
7. Review and monitor performance or conduct and provide feedback and encouragement;
8. Document all discussions and review meetings; and
9. Where performance or conduct does not improve, or is repeated, the employee can be cautioned, advising that if the change does not happen then they may move to a more formal disciplinary process or formal Performance Improvement Plan. This can be in the form of a verbal warning. Verbal warnings are explained in more detail under 'Definitions' below.

Notes for informal counselling discussions should be retained by the Manager for a reasonable period of time after the discussion. These notes should generally not be placed on an employee's personnel file, however confirmation that an informal discussion took place can be noted on the file.

Support for the employee to improve conduct/behaviour or performance can include, but is not limited, training, a buddy system, role clarity, regular reviews, mediation.

Formal Disciplinary Processes

More formal action may be needed where performance does not improve or where conduct is repeated or, of a more serious nature. This can include setting a formal Performance Improvement Plan (PIP), issuing formal warnings and ultimately if the issue cannot be resolved, termination of employment.

In a formal disciplinary process, a full investigation into the alleged conduct/performance must occur prior to any formal disciplinary action being taken. Typically, for performance issues the formal disciplinary process will follow a series of informal performance meetings.

For conduct (other than serious misconduct) the formal process may follow a series of informal counselling sessions/discussions and be triggered by repeated misconduct or unsatisfactory improvement. For serious misconduct, the formal process would apply immediately.

Interim action may be required pending the outcome of the investigation at any stage of the process.

An employee should be offered a support person to be present during any meeting or discussion which takes place as part of a formal disciplinary process and an appropriate Modern Star Company witness/notetaker should also be present.



Interim Action

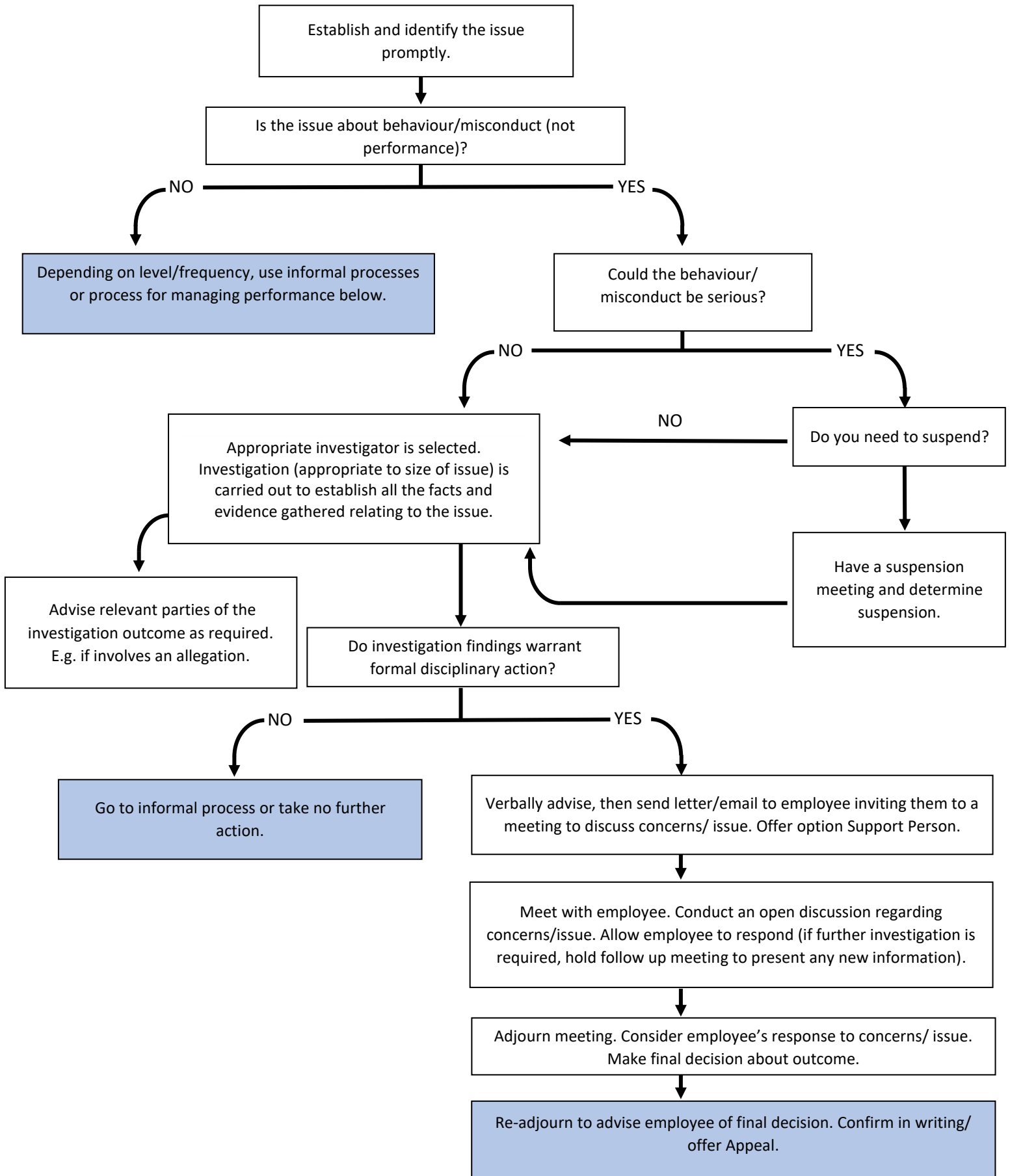
Where conduct requires action to be taken prior to the completion of an investigation, HR must be consulted, and any relevant awards/partnership agreements taken into consideration.

Interim actions may include:

- Standing down or suspending employee - it may be both necessary and appropriate for the employee to be immediately removed from the workplace and in these circumstances the employee may be suspended, generally on a without prejudice basis and without loss of pay;
- Temporary redeployment - in some circumstances it might be appropriate to temporarily relocate an employee into an alternative store/work area during the investigation to avoid further issues arising.

Where an employee has been suspended or relocated, the investigation should be conducted as a matter of urgency and the suspension or relocation should continue only until the investigation is complete.

Formal Disciplinary Procedure - Unacceptable behaviour/ Misconduct





As per the flow chart above

Establish and identify any issue promptly

- Conduct a preliminary investigation to establish reasonable belief there is an issue if necessary.

Assess the issue

- Assess the nature and level of seriousness of the issue/concerns;
- If the issue is not about behaviour/misconduct move to the managing performance section within this policy (below);
- If the alleged misconduct/behaviour is serious, suspension may be warranted (i.e. alleged serious misconduct). Hold a suspension meeting if applicable and determine suspension (e.g. length of time, payment, a neutral act).

Investigate the problem

- Select an appropriate investigator (not involved in issue concerned);
- Conduct the investigation. The size will depend on many factors, including the seriousness of the issue, whether part of an allegation, incident, etc.);
- Offer a support person as deemed appropriate i.e. for any person interviewed who has an allegation made against them;
- Take investigation notes;
- Conclude and decide what action should follow. i.e. informal action, formal action, no action; and
- Advise relevant parties of the outcome of the investigation and next steps.

Invite employee to a formal meeting If formal disciplinary action is deemed appropriate, prior to the meeting:

- Verbally advise employee of the formal meeting, then confirm in writing/email;
 - Clearly identify the alleged inappropriate behaviour/misconduct to be discussed and include the relevant evidence/investigation summary (if not provided during the investigation process);
 - Give them reasonable notice (e.g. two to three working days). If there is a substantial investigation report/evidence, enough time for the employee to consider the report and prepare for the meeting;
 - Set a time, date and place for the meeting (allow flexibility to ensure that the employee's support person (if confirmed) can attend);
 - Advise the employee that they can bring a support person and should advise of identify in advance if bringing;
 - Advise the employee of potential outcomes if concerns are established (i.e. a warning, if misconduct, or employment may be at risk, if serious misconduct).



The meeting

- The meeting should take place in private and in an environment that is comfortable and nonthreatening, away from distractions and interruptions;
- The Company Policy of prohibiting audio recording by the employee (or support person) should be outlined;
- The meeting should be led by the decision-making Manager;
- The Manager should put full details of the concerns to the employee;
- The meeting should be an open discussion - the employee should have an opportunity to respond and have their point of view heard and duly considered;
- The meeting should be adjourned to enable the decision-maker to consider all the information and reach a decision; and
- The decision-maker should not decide upon action before hearing the employee's comments and not present the employee with a pre-typed letter informing them of the outcome immediately after the meeting.

Further investigations (if necessary)

- If the employee raises an explanation that has not previously been considered, the Manager should investigate accordingly.

Second formal meeting (if necessary)

- The Manager should give the employee an opportunity to respond to any new information that comes out of further investigation (if conducted).

Adjournment

- The Manager should adjourn to consider their decision and any proposed disciplinary action;
- The Manager should:
 - Consider the employee's response and/or explanation and have an open mind as to the outcome;
 - Apply the 'reasonable person' test and consider:
 - Are expectations reasonable?
 - Is there reasonable belief?
 - Has the employee been fully aware of the issues?
 - Has the employee had a genuine opportunity to respond to all of the information being considered?
 - Are there mitigating factors to take into account (workplace challenges, health or family issues etc.)?
 - Are there any alternatives to your decision?
 - Has anything irrelevant been taken into account?
- The length of time of adjournment will depend on the individual circumstances and complexity of the matter. Any additional time needed should be advised to the employee.



Final decision

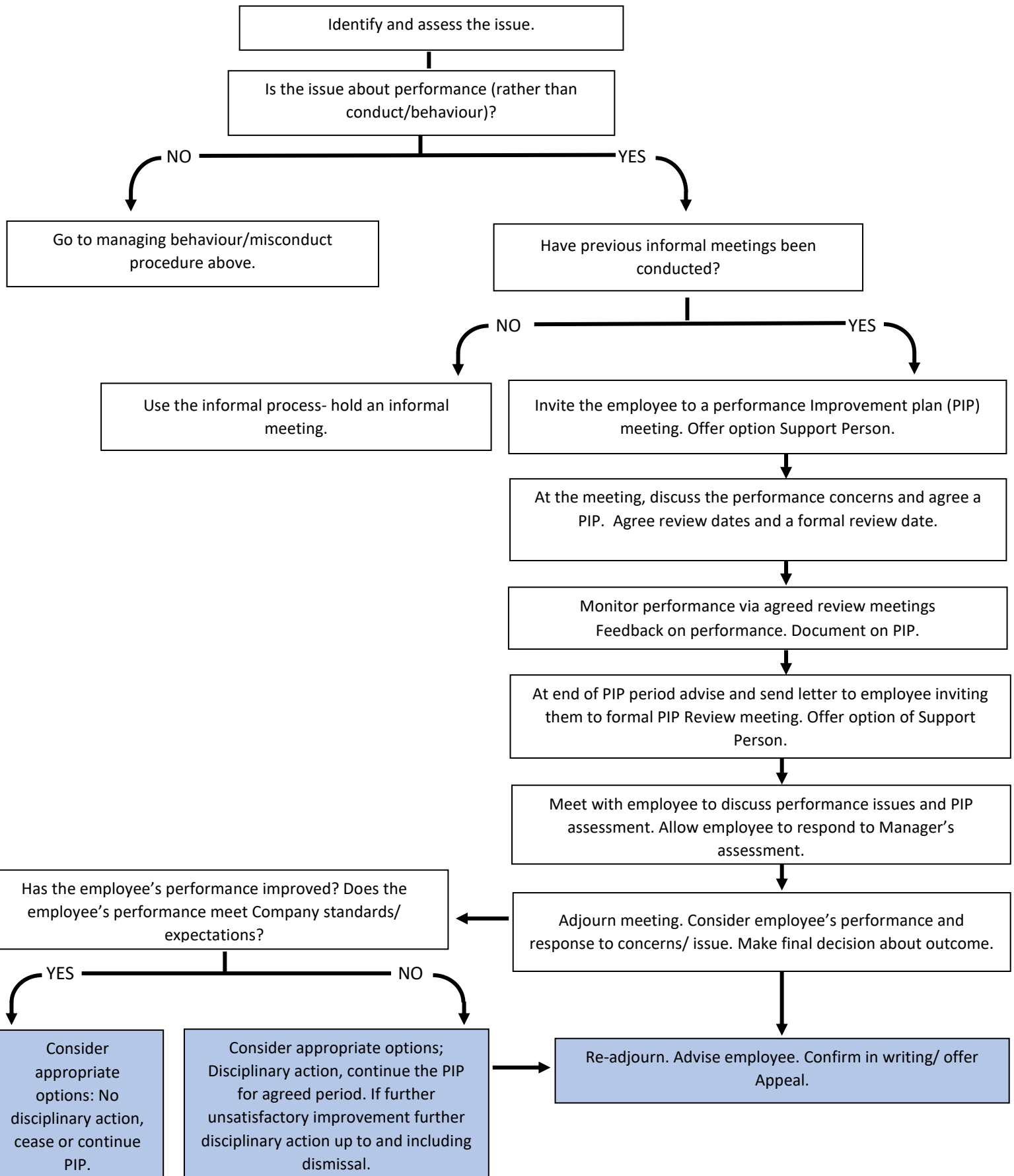
- The Manager should re-adjourn and communicate their final decision to the employee;
- Explain why they have made that decision;
- Make sure the employee is given an opportunity to have a support person present (i.e. if a follow up meeting); and
- The Manager with support from HR should confirm final decision in writing (can use Fair Work templates - links included in 'References' to follow). Include right of Appeal (except for terminations).

Appeal/ Review of Decision

Internal Appeals Procedure

- Except for termination (which would be addressed through external channels), if the employee is unhappy with the outcome, or the way the disciplinary procedure was managed by Modern Star, they can raise an appeal detailing their reasons in line with the Company Grievance Policy.

Formal Procedure - Unsatisfactory Performance





Where informal performance meetings have not improved performance to the level required, the formal process as per the flow chart above should be followed;

- **Identify and assess the performance issue**
 - How serious is the issue?;
 - If the issue is not about performance move to the managing conduct/behaviour section within this policy (above);
 - How long has the performance issue existed?;
 - How wide is the gap between what is expected and what is being delivered?;
 - Consider what informal meetings, training and support has occurred to date - if none move to the informal process.
- **Invite the Employee to Performance Improvement Plan Meeting**
 - Advise the employee you need to meet to discuss their performance;
 - Give them reasonable notice (e.g. two to three working days);
 - Confirm, time, location, attendees, etc;
 - Offer a support person.
- **At the Meeting**
 - The meeting should take place in private and in an environment, that is comfortable and nonthreatening, away from distractions and interruptions;
 - Meet with the employee and discuss performance concerns - provide examples of where the employee is not meeting performance expectations;
 - Ask for the employee's response and feedback;
 - Agree a clear performance improvement plan with the employee that:
 - Reflects a clear understanding of performance expectations;
 - Confirms what improvements are required over an agreed time period (timelines will vary depending on issue however, the employee should have a reasonable time to improve);
 - Clarifies the role and responsibilities of the employee; and
 - Incorporates any training and development strategies as agreed.
 - Agree review dates and a formal review date;
 - Advise the employee that if there is no improvement it may result in disciplinary action up to and including dismissal or a further PIP; and
 - Record outcomes of the meeting and next steps.
- **Monitor performance via agreed Review Meetings**
 - Conduct review meetings providing feedback and encouragement;
 - Document performance on the PIP template. (This template will form the basis of the formal review meeting, and support if disciplinary action is required at the end of the PIP if there is no satisfactory improvement).



- **Invite employee to the Formal Review Meeting**
 - At the end of the agreed PIP review period verbally advise and send letter inviting the employee to a Formal Review Meeting, with reasonable notice (2-3 working days) - set a time, date and place for the meeting;
 - Forward the documented PIP in advance and advise the employee they can respond to your Manager's assessment in the PIP at the meeting;
 - Advise that the outcome could be disciplinary action such as a written warning; and
 - Offer a support person (allow flexibility to ensure that the employee's support person (if confirmed) can attend).

- **At the Meeting**
 - The meeting should take place in private and in an environment that is comfortable and nonthreatening, away from distractions and interruptions;
 - The Company Policy of prohibiting audio recording by the employee (or support person) should be outlined;
 - Both parties should discuss the performance issues and PIP assessment; and
 - The employee should be given a chance to respond to the Manager's performance concerns and their assessment of whether the PIP requirements have been met.

- **Adjournment**
 - The Manager should adjourn to consider their decision and any proposed disciplinary action;
 - The Manager should:
 - Have an open mind as to the outcome;
 - Consider the employee's performance – has the employee's performance improved? Does the employee's performance meet Company standards/expectations now? (at end of PIP);
 - What has been the degree/ rate of improvement?
 - Consider the employee's response and/or explanation;
 - Apply the 'reasonable person' test and consider:
 - Are expectations reasonable?
 - Has the employee been fully aware of the issues?
 - Has the employee had adequate time to improve?
 - Has the Company provided adequate training and support?
 - Are there mitigating factors to take into account (workplace challenges, health or family issues etc.)?
 - Are there any alternatives to the decision?
 - Has anything irrelevant been taken into account?



- **Final Decision**

- The Manager should re-adjoin and communicate their final decision to the employee;
- Explain why they have made that decision;
- Possible outcomes of the formal review include, but are not limited to:
 - Disciplinary action (e.g. a written warning for not meeting the required performance standards) and continuation of PIP;
 - No disciplinary action but continuation of PIP.
- No disciplinary action and PIP cease;
- The Manager with support from HR should confirm final decision in writing (can use Fair Work templates - links included in 'References' to follow). Include right of Appeal (except for terminations).

- **Appeal/ Review of Decision**

Internal Appeals Procedure

Except for termination (which would be addressed through external channels), if the employee is unhappy with the outcome, or the way the disciplinary procedure was managed by Modern Star, they can raise an appeal detailing their reasons in line with the Company Grievance Policy.

Types of Disciplinary Action

A range of disciplinary options are available, detailed below.

Managers must liaise with HR in deciding the most appropriate type of disciplinary action and must ensure that any proposed disciplinary action is permissible with reference to the employee's contract of employment and/or applicable award/partnership agreement. In making this decision, the following factors should be considered:

- The nature and severity of the inappropriate behaviour/ misconduct;
- The employee's employment history and record, including any previous warnings for misconduct;
- The employee's level of knowledge and awareness of required standards of performance/ conduct, training received, etc.; and
- Any relevant mitigating circumstances.

Please note that where dismissal is a possibility, the relevant Manager and HR must also consider whether the employee has been given adequate warning that disciplinary action could lead to dismissal and whether there are any reasonable and appropriate alternatives to dismissal.

Mediation

Mediation can be used to address conduct relating to interpersonal/team issues, mediation is a voluntary, confidential process for employees, assisted by an impartial third party (the mediator) to resolve an issue. Mediation is generally used at an early stage in a dispute or disagreement and can be used to resolve conflicts between individuals or within a small group. Mediation focuses on resolving conflict, not passing blame. The aim of mediation is for the parties to reach an agreement that will improve their relationship.



Examples when mediation can be used in the workplace:

- Interpersonal work conflicts such as personality clashes;
- Work roles and responsibilities;
- Unfair allocation of development opportunities; or
- Breakdowns in communication.

Written Warnings

Warnings must be written in the approved format and refer to the substantiated conduct or unsatisfactory performance. Fair Work templates can be used - see link within 'References' section.

The level of the warning (e.g. first warning) should be stated and typically warnings would progress from Verbal to Written to Final Warning. However, this is not rigid and is subject to the individual circumstances. The relevant Manager may enter the disciplinary process at the level deemed appropriate, subject to the nature of the conduct or behaviour or unsatisfactory performance. Subsequent written warnings should refer to each previous warning.

Warnings must be placed and retained on an employee's personal file however, care must be taken to ensure that the warning is only considered in situations where it is relevant. The period a warning remains enforceable will depend on a number of factors including the seriousness of the problem and the nature of the offence. Advice should be sought from HR in this regard.

All warnings should include the consequence of repeated misconduct or no improvement in performance based on the circumstances, typically that disciplinary action or further disciplinary action may occur up to and including dismissal and have a review date. Typically, the employee is required to read and sign written warnings to formally recognise receipt.

Verbal Warning (Informal)

A verbal warning may be given as part of the informal disciplinary process in relation to (minor) misconduct/performance concerns as the next stage from informal counselling discussions, where no improvement or repeated behaviour/poor performance continues. The warning should state the exact nature of the offence/concern and indicate what, if any future disciplinary action will be taken against the employee if another offence occurs or performance does not improve within a specified time limit typically, that the formal disciplinary process will be applied. At this stage with the possibility of a verbal warning outcome, a best practice approach, of following the formal meeting approach can be applied.

Formal Written Warning

As part of the formal disciplinary process, a written formal warning may be given to the employee in the first instance of more serious offences (misconduct) or after more than one instance of minor misconduct or if performance has not improved. The warning should state the exact nature of the offence/concern and indicate what, if any future disciplinary action will be taken against the employee if another offence



occurs or performance does not improve within a specified time limit e.g. further disciplinary action up to and including dismissal.

Final Written Warning

As part of the formal disciplinary process, a final written warning may be given to an employee for misconduct following written warnings or no improvement in performance, or for serious conduct, not deemed 'serious misconduct' as a 'First and Final Warning'. A final written warning states the exact nature of the offence, and indicates what if any future disciplinary action will be taken against the employee if another offence occurs or performance does not improve within a specified time limit e.g. further disciplinary action up to and including dismissal.

Training/ Relocation

A requirement to attend course/s or reassignment to another role or workplace.

Demotion

In rare instances, where permissible and depending on the nature of the substantiated conduct, it may be appropriate to demote an employee permanently or for a defined period of time. Where demotion is proposed, reference should be made to any relevant award/partnership agreement and advice should be sought from HR.

Dismissal

Dismissal may be an appropriate disciplinary response to substantiated instances of serious misconduct, repeated instances of misconduct or continued unsatisfactory performance. Disciplinary alternatives should be considered prior to dismissal being determined as the most appropriate type of disciplinary action.

Summary Dismissal

An employee may be summarily dismissed (instant dismissal without notice) in the event of one occurrence of a serious misconduct. Relevant Managers should alert senior management and HR of any situation that summarily dismissal may be appropriate.

Confidentiality and Discretion

Those people who are involved in a process under this policy, such as but not limited to an investigation or disciplinary meeting have a duty to maintain confidentiality and display a commitment to uphold the integrity of processes. Victimisation or unfair treatment of any person involved will also not be tolerated. If any person involved chooses to bring a support person with them to any meetings, they too are bound by confidentiality. Gossiping and/or the spreading of rumours as a result of, or in connection with, a process followed under this policy will not be tolerated under any circumstances and may lead to disciplinary action for those concerned.



Responsibilities

Managers are Responsible for:

- Understanding and applying this policy and all related processes;
- The required levels of authority and their own level of authority when addressing misconduct, unsatisfactory performance and disciplinary action;
- The legal and industrial implications of disciplinary processes and action;
- Ensuring that both themselves and their team members are aware of the standard terms and conditions of their employment and required standards of conduct and performance;
- Are aware of the requirements of their position;
- Have access to relevant Modern Star policies;
- Liaising with HR to ensure that they obtain appropriate advice about disciplinary issues, investigations and actions;
- Investigating any allegations of misconduct, unacceptable behaviour or unsatisfactory performance in a timely and fair manner;
- Ensuring that there is an appropriate Modern Star Company Witness and Notetaker present during any formal meetings or discussions with an employee regarding unsatisfactory performance, unacceptable behaviour or misconduct, or any meetings where an employee has elected to bring a support person;
- Ensuring that any disciplinary action taken is appropriate with reference to the nature and seriousness of the conduct or performance; and
- Ensuring that adequate records are kept.

Team Members are Responsible for:

- Understanding all terms and conditions of their employment and the requirements of their job;
- Familiarising themselves with all Modern Star's policies which apply to them, particularly those relating to the Code of Conduct;
- Informing their Direct Manager when they have observed or have otherwise been informed of any instances of possible misconduct or unacceptable behaviour by co-workers which may be in breach of Modern Star's policies, legislation or other relevant requirements, particularly when the conduct may impact on the safety of co-workers, clients or customers;
- Participating fully in any disciplinary investigations so that, their version of events can be heard; any allegations can be fully investigated and appropriate action taken; and any training or development issues or barriers to improvement can be identified and addressed; and
- Arranging to have a support person present at any meetings or discussions if they require one.

References

Fair Work Australia provides various scenarios template letters to support the disciplinary process. Please follow the link:

<https://www.fairwork.gov.au/how-we-will-help/templates-and-guides#managings>

**Application**

As with all Modern Star Policies and Procedures this policy must be complied with. However, it is not incorporated into an employee's contract of employment and may be amended from time to time.

Interpretation and Guidance

In the event that any additional guidance and/or further interpretation is required, please contact HR.