

HR7 Disciplinary and Grievance

Policy Statement

1. P4 Movement is committed to maintaining a positive and productive work environment. We believe in treating all employees fairly and with respect.
2. We recognise that issues such as performance concerns, misconduct, or interpersonal disputes can arise, and we aim to resolve these promptly and fairly.
3. This policy aims to provide clear guidelines for addressing misconduct, grievances, and underperformance in a fair and consistent manner.

Procedures

Misconduct and underperformance

1. Identifying issues
 - a. Managers are responsible for identifying instances of misconduct or underperformance when an employee is repeatedly not meeting the requirements and expectations of their role.
 - b. Once identified, the manager should raise these concerns with the employee in a timely fashion and handle the discussion in a structured and fair manner. The employee should be presented with information relating to the concerns and is asked to provide their input into why these issues have arisen.
 - c. Depending on the nature of the poor performance or misconduct, a number of steps may be taken. The actions taken will depend on the nature and severity of the employee's conduct.
2. Informal discussions and coaching
 - a. Information coaching may be required to ensure the employee understands the expectations of the role, the work practices and required level of conduct and/or performance.
 - b. Generally, this takes the form of clearly explaining the requirements, and the gap between the expectation and the employee's current performance or conduct.
 - c. A plan to address concerns should be developed and agreed with the employee, and steps agreed to be implemented.
 - d. Any discussions about the issues, employee responses and plan to address concerns should be documented and placed on the employee's employment record in Employment Hero.

3. Investigation

- a. Depending on the seriousness of the allegations, an investigation will be conducted to gather all relevant facts and evidence. This may include data collection, interviews with involved parties, reviewing relevant documents, and collecting other evidence as necessary.
- b. The investigator will then report on the findings and whether on the balance of probabilities the allegations of misconduct are substantiated.
- c. All investigations will be carried out with the appropriate confidentiality to protect the privacy of all parties involved. Information will only be shared with those who need to know.
- d. Where the situation warrants, an external investigator may be appointed to lead the investigation process.

4. Formal disciplinary process

- a. Where an employee's performance or conduct does not improve following informal steps, or where allegations of misconduct are substantiated through the investigation process, a formal disciplinary process may be commenced.
- b. Formal disciplinary processes generally involve the People and Culture team, who provide support to the manager and the employee through the process.
- c. The formal disciplinary process involves the following steps:
 - i. Formal written notification to attend a meeting to discuss performance or conduct, providing reasonable notice and the ability for the employee to bring a support person to the meeting. The manager will explain the potential outcomes of the meeting.
 - ii. The manager will explain any allegations of misconduct or the concerns regarding a gap in expected performance level, referring to any established procedures or standards (including position description, processes or policies).
 - iii. The employee will be provided with an opportunity to respond to any issues raised.
 - iv. The manager and any other panel members (generally People and Culture team) must ensure the employee's response is considered and taken into account before a decision on the meeting's outcome is made.
 - v. Following the meeting, the outcome is documented, and a letter may be issued to the employee.
- d. Potential outcomes of formal disciplinary meetings:
 - i. No action – in certain circumstances, a decision may be made that no action will be taken against the employee, generally where allegations of misconduct are unsubstantiated.
 - ii. Development Plan – a formal development plan, such as Performance Improvement Plan or training plan, may be agreed with the employee to set clear goals and actions required to address gaps in performance or conduct.

This may identify training needs, or other development actions required to resolve concerns.

- iii. Written warning – based on the seriousness of the allegations substantiated, or continued concerns with performance or conduct not addressed through informal stages, a written warning may be issued. There is no prescribed minimum number of written warnings to be issued, however this would generally follow the process of First Written Warning then Final Written Warning, however warning levels can be skipped if the situation warrants.
- iv. Termination of employment (with notice) – where concerns relating to performance or conduct continue, a decision to terminate an employee's employment may be made. Warnings may have been issued prior to termination in the event of repeated concerns, and in situations where the circumstances warrant due to their seriousness, a decision may be made to terminate without prior warnings being issued.
- v. Summary dismissal (without notice) – in the event of serious misconduct, a decision to terminate the employee's employment with no notice may be made. These instances are so serious in nature that they warrant immediate cessation of employment.
- e. It is important that processes follow the principles of procedural fairness, which includes the following rights:
 - i. employee right to be heard,
 - ii. clear expectations of the process and its outcomes,
 - iii. reasonable notice,
 - iv. to bring a support person to proceedings,
 - v. unbiased decision-making and evidence-based outcomes.
- f. Thorough documentation of all steps of the process is important. All relevant documents should be placed on the employee's file in Employment Hero.

Grievance and complaints handling

1. Informally resolving complaints

- a. Employees are encouraged to raise concerns directly with the individual involved in the complaint or grievance through discussion and agreement.
- b. Where an employee does not feel that this is an option, they should in the first instance raise any concerns with their manager.
- c. The manager should listen, clarify the issue, and attempt to informally resolve the matter between the parties through discussion of issues and agreement on a way forward.

2. Lodging a formal grievance

- a. Where informal resolution fails or in the event that informal resolution is not appropriate, the employee should submit a written grievance to their manager, the People and Culture team, or a member of the Leadership team.

- b. The written grievance should contain a description of the incident/s, decision/s or behaviour/s in question including times and dates and the names of any witnesses. It should be signed and dated on the day it is lodged.
- c. On receipt of the written grievance, the receiving manager should speak to the Head of Human Resources as soon as practicable to discuss the complaint. The receipt of the complaint should be acknowledged to the complainant, and a meeting should be convened with the complainant to obtain full details of the grievance.

3. Investigation

- a. An investigation will be conducted to gather all relevant facts and evidence. This may include data collection, reviewing relevant documents, and collecting other evidence as necessary.
- b. The investigator will interview both parties to the complaint, ensuring both parties have the opportunity to present their version of events and respond to allegations raised.
- c. The investigator will then report on the findings and whether on the balance of probabilities the allegations of the complaint are substantiated.
- d. All investigations will be carried out with the appropriate confidentiality to protect the privacy of all parties involved. Information will only be shared with those who need to know.
- e. Where the situation warrants, an external investigator may be appointed to lead the investigation process.

4. Decision and outcome

- a. A meeting will be convened with the parties involved and generally include the Head of Human Resources. This may take the following forms:
 - i. Individual meetings to communicate the findings and proposed resolution,
 - ii. Joint mediation meeting to facilitate discussion between the parties to resolve the complaint and agree a way forward, or
 - iii. Where allegations in complaint are substantiated, and the situation is sufficiently serious, a formal disciplinary meeting may be held with the person who is the subject of the complaint.
- b. Any agreed resolution of actions should be implemented by the parties, and the situation may be monitored to ensure the issue is resolved.
- c. Where work practices, policies or procedures require change due to the outcome of the complaint, this should be facilitated by the appropriate responsible person in the business.
- d. Where the individual who raises the complaint is found to have made a maliciously false accusation, then the complainant may be subject to a formal disciplinary process.
- e. It is important that processes follow the principles of procedural fairness, which includes the following rights:

- i. employee right to be heard,
 - ii. clear expectations of the process and its outcomes,
 - iii. reasonable notice,
 - iv. to bring a support person to proceedings,
 - v. unbiased decision-making and evidence-based outcomes.
- f. Thorough documentation of all steps of the process is important. All relevant documents should be placed on the employee's file in Employment Hero.

5. Appeal

- a. Parties to the grievance and complaints handling process may appeal the outcome if they feel that this is unreasonable or unfair.
- b. Any appeal will generally be facilitated and heard by the General Manager, unless the General Manager decides to appoint another investigator, including an appropriate external party.

Related Business Procedures

- 1. HR1 – Code of Conduct
- 2. HR2 – Whistleblower
- 3. HR3 – Workplace Diversity, Inclusion and Respect
- 4. HR5 – Employment Lifecycle
- 5. HR6 – Performance Management

Responsible Persons

- 1. The General Manager must:
 - a. Manage and monitor compliance with this policy.
 - b. Support employee competence and compliance with this policy.
 - c. Hear any appeals processes under the policy.
- 2. The Head of Human Resources must:
 - a. Ensure that appropriate systems and resources are in place for handling misconduct, underperformance, grievances, and complaints in line with procedural fairness.
 - b. Provide training, guidance and support to managers and employees on all aspects of misconduct, underperformance, grievance, and complaint handling.
 - c. Support investigations, ensure confidentiality, and maintain documentation of processes in Employment Hero.
 - d. Facilitate formal disciplinary processes and appeals in accordance with procedural

fairness.

3. Management must:
 - a. Manage and monitor compliance with this policy within their teams.
 - b. Ensure employees receive appropriate training, supervision, coaching, and debriefing to comply with this policy.
 - c. Identify instances of misconduct or underperformance and take timely and structured steps to address concerns, including informal discussions, coaching, and, where necessary, formal disciplinary processes.
4. All P4 Movement employees, volunteers and subcontractors must comply with this policy.

Definitions

1. **Complainant:** Is the party who raises the complaint / grievance.
2. **Employment Hero:** P4 Movement's Human Resources Information System which manages employee records.
3. **Grievance:** A formal complaint raised by an employee about workplace issues like discrimination, harassment, or unfair treatment.
4. **Misconduct:** Unacceptable or improper behaviour violating the organisation's code of conduct, policies, or procedures.
5. **Procedural fairness:** is a fundamental principle in legal and administrative decision-making that ensures processes are conducted justly and impartially.
6. **Serious Misconduct:** Wilful and / or deliberate behaviour by an employee that is inconsistent with the continuation of employment, such as theft, fraud, violence, discrimination, bullying or gross negligence. This is not an exhaustive list.
7. **Underperformance:** Failure to meet required performance standards or expectations, including consistent poor performance or inability to achieve performance measures.

References

1. Fair Work Act 2009 (Cth).
2. Privacy Act 1988 (Cth).

Version Control

Version 1	1 April 2026	New policy creation
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