

MISCONDUCT POLICY

1. Purpose

Cancer Wellness Support (CWS) may discipline an employee who engages in unacceptable behaviour.

The purpose of this policy is ensure that employees are aware of behaviour that could amount to misconduct and that all relevant parties are aware of CWS's policy for dealing with misconduct.

2. Scope

This policy applies to all employees and volunteers of CWS unless otherwise specified.

3. Policy

CWS expects employees and volunteers to observe acceptable standards of behaviour.

Employees and volunteers must not engage in behaviour that amounts to misconduct, including serious misconduct, at the workplace. This includes where employees and volunteers are working on behalf of CWS, attending a work-related conference or function, or attending a client or other work-related event, including retreats and social events.

4. Misconduct

Where an employee or volunteer engages in misconduct or alleged misconduct, the processes in this policy will be followed.

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

- failing to obey lawful and reasonable instructions of CWS;
- failing to follow defined policies, procedures and rules;
- failing to share relevant information with CWS; and
- unacceptable disruptive behaviour.

For employees it also includes:

- unauthorised absence from the workplace; and
- repeatedly being late for work without lawful excuse.

When proven, misconduct may provide a valid reason for termination of an employee's employment with notice.

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5. Serious misconduct

Whether misconduct amounts to serious misconduct depends on the particular circumstances of a given case. Managers should consider the circumstances fully as they apply to the particular employee or volunteer when determining whether or not the employee has engaged in conduct that could be considered 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 and CWS's policies;
- theft;
- fraud;
- assault;
- intoxication at work;
- use of derogatory, violent or abusive language;
- fighting;
- failure to observe safety rules;
- concealment of a material fact on engagement;
- obscenity;
- dishonesty in the course of the employment; and
- criminal conduct including conduct that, if proven, renders the employee completely unfit for work.

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Responsible person: CEO

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MISCONDUCT PROCEDURES

1. Responsibilities

The **CEO** is responsible for ensuring that:

- the processes in this policy are followed in relation to all instances and allegations of misconduct;
- employees/volunteers that are the subject of any investigation are afforded procedural fairness; and
- confidentiality is maintained to the greatest extent possible.

Managers are responsible for ensuring that:

- where appropriate, they try to informally resolve any instances or allegations of employee/volunteer misconduct with the employee(s) involved in first instance in consultation with the CEO;
- instances or allegations of misconduct are reported to the CEO; and
- all necessary assistance is provided to the CEO or any other person investigating an instance or allegation of misconduct.

Employees/volunteers are responsible for ensuring that they:

- comply with this policy and related procedures; and
- report any instances or allegations of misconducts to the relevant manager or the CEO, as appropriate.

2. Processes

A breach of this policy or related procedures may lead to disciplinary action and possible dismissal. Where CWS considers that an employee/volunteer has engaged in serious misconduct, CWS may dismiss the employee/volunteer without notice.

Each instance or allegation of misconduct will be considered by CWS on its own merits, and any mitigating circumstances will be taken into account.

Where an employee is accused of engaging in misconduct, it is open to CWS to stand down the employee on full pay in order to further investigate the matter.

Where a volunteer is accused of engaging in misconduct, it is open to CWS to stand down the volunteer in order to further investigate the matter.

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Investigations into instances or allegations of misconduct will be conducted in accordance with the principles of procedural fairness. Employees/volunteers accused of misconduct will be given an opportunity to respond to the allegations against them and may have a support person present at any disciplinary meetings with CWS.

Any meetings relating to instances or allegations of misconduct or serious misconduct will be conducted by two members including the CEO, one of whom will act as a note taker.

If CWS decides that the appropriate action is to dismiss an employee/volunteer, the employee/volunteer will be provided in writing with the full reasons for the decision.

3. Related Documents

- [Employee Handbook](#)

4. Legislation & awards

- *Fair Work Act 2009 (Cth)*
- *Fair Work Regulations 2009 (Cth)*

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