



## STATEWIDE GROUP TRAINING (SA) INC

### TERMINATION OF EMPLOYMENT POLICY

#### **PURPOSE:**

Statewide Group Training (SA) Inc is committed to ensuring that when issues arise that may lead to the termination of an employee's employment contract, every employee is treated fairly and equitably and in accordance with their employment contract and the relevant industrial instrument (such as award or agreement) or legislative provision.

#### **SCOPE:**

This policy applies to:

- All staff, including: Managers, Field Officers, Administrative Officers; full time, part time, casual, temporary or permanent staff; apprentices and trainees, contractors, sub contractors, and work experience personnel.

#### **POLICY:**

Where an employee's employment contract is to be terminated at the instigation of SGT, the principles of natural justice, procedural fairness and the industrial standard of 'fair play' will be applied to the process undertaken.

Valid reasons for an employee's employment contract to terminate include, but are not limited to:

- Resignation/retirement;
- Conclusion of a fixed term contract;
- Abandonment of employment;
- Dismissal for poor/unsatisfactory work performance;
- Dismissal for misconduct
- Dismissal for serious and wilful misconduct; and
- Redundancy/retrenchment.

Employees who resign their employment are required to provide the necessary notice period as stipulated by their industrial instrument or legislative provision and it is expected that employees will work out this notice period, unless otherwise agreed with, or directed by, SGT.

SGT will not terminate the employment of an employee for poor work performance or misconduct unless the employee has been dealt with in accordance with the appropriate disciplinary process, excluding the case of serious and wilful misconduct, where instant dismissal may be justified.

An employee's performance will be considered to be inadequate or unsatisfactory if the requirements of the position are repeatedly not being met by the employee (as set out in the employee's Position Description, or the relevant award for the apprentice/trainee) and following notification of the poor performance by SGT.



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Misconduct and poor performance by an employee includes, but is not limited to:

- Unauthorised absenteeism/poor record of attendance;
- Unacceptable behaviour towards manager/supervisor/host employer;
- Unacceptable behaviour towards co-workers;
- Sub-standard job effectiveness, efficiency and output;
- Not following specific policies, procedures or practices of the organisation;
- Non-compliance with the law, and/or requirements of their Letter of Appointment/Contract of Employment/Award Conditions or other legislation;
- Unsafe actions involving accident or injury (or the real possibility of accident or injury) to any employee; or
- Harassing or discriminatory behaviour (including bullying), towards an employee, client or customer.

Where there is a requirement to restructure the operations of SGT, any staff member who occupy positions that are made redundant, or who are retrenched, will have their employment contract terminated in accordance with SGT's Redundancy/Retrenchment Policy.

#### Resignation/Retirement

SGT requires employees who wish to resign their employment to confirm their intention in writing, including the intended cessation date, to the CEO within the notice period stipulated in the relevant industrial instrument, legislative provision or employment contract.

#### Termination on Notice

In the case of a dismissal for poor work performance or misconduct, SGT will give the employee the appropriate notice of termination (or payment in lieu of the notice).

The notice of termination will be in writing and will specify the reasons for the termination and will also include details of the final payments to be made to the employee, including all accrued entitlements.

SGT disciplinary procedures contain a series of steps which will be followed prior to any termination of employment or other disciplinary action; however, each particular circumstance will determine the number of warnings and the suitable review period for the employee to remedy their performance and/or behaviour.

Where a manager/supervisor has concerns about an employee's performance or conduct, a disciplinary interview will be convened to provide an opportunity for both the employer/host employer and employee to discuss the issue(s) of concern. The employee will have the right to be represented by a person of their choosing and will have the right to respond to the allegations of poor performance or misconduct put to them. This meeting will be witnessed, confirmed in writing and acknowledged by the employee concerned.

The warnings procedure will normally include a series of verbal, written and witnessed warnings that set out to any employee who is being warned, the basis of the warning and the ways that an employee can and must improve their work performance and/or behaviour. It must also identify what action or actions will occur if there is no improvement within the time frames set down.



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#### Termination for Serious and Wilful Misconduct

“Summary of instant dismissal” is dismissal without notice and occurs where an employee an act of serious and wilful misconduct. This may include, but is not limited to:

- Serious breaches of the employer’s Code of Conduct or other policies, e.g. work, health, and safety, and sexual harassment social media;
- Refusal to carry out a lawful instruction of a manager/supervisor;
- Consuming, possessing, selling, manufacturing or being under the influence of drugs or alcohol on SGT premises without authorisation;
- Dishonesty, theft or other unlawful activities;
- Gross negligence (subject to the nature of the negligence);
- Vandalising, intentionally damaging or misusing the organisation’s or another employee’s property; or
- Assault/fighting.

Other acts may also constitute serious and wilful misconduct, depending on the circumstances of the case. It is up to the manager/supervisor to carefully investigate and examine each incident to determine when an act constitutes as serious and wilful misconduct.

Upon receipt of an allegation of serious and wilful misconduct against any employee, the appropriate manager/supervisor will interview all witnesses, collect any evidence and then will conduct a thorough investigation into the incident.

If it is believed that the investigation is to be prolonged, the employee/apprentice/trainee may be suspended with pay and directed to leave the workplace or alternatively, if the investigation is not likely to be prolonged, the employee may be made to wait in a suitable location away from their normal work area, so that it cannot be construed that the actions of the employee have been condoned as not being serious enough to warrant instant dismissal.

In most cases of serious and wilful misconduct, the employee concerned will then be interviewed by the appropriate manager/supervisor and will be provided with an opportunity to respond to the allegations made against them. Both the employee and the manager/supervisor/host employer will have the right to have a witness present at the interview(s).

If, following the outcome of the investigation, the appropriate manager/supervisor believes that termination of employment, is warranted, the employee concerned will be advised of this directly and their employment terminated forthwith. The employee will be provided with a written confirmation of the reasons for the dismissal no later than twenty-four (24) hours following the termination.

#### Redundancy/Retrenchment

Redundancy or retrenchment are examples of termination that come about through a change in the position or function that an employee performs, rather than any fault on their part. It does not occur as a result of poor performance or misconduct of an employee.

SGT’s Redundancy/Retirement Policy deals with this complex issue.



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Abandonment of Employment

Where an employee is absent from the workplace without reasonable cause and without the consent of the employer/host employer, the employee's employment contract may be terminated on the grounds that they have abandoned their employment.

Termination of employment on the grounds that an employee has abandoned their employment would normally only occur after SGT has made significant and documented attempts to ascertain the whereabouts of the employee.

Return of Property

When a termination occurs, the manager/supervisor responsible must ensure the immediate return to SGT all documents and records in the employee's control and instruct the employee to delete any documents and/or records held electronically in any medium in the employee's control.

The manager/supervisor responsible must also ensure that the employee immediately returns all property belonging to or leased by SGT which is in the employee's control, including, but not limited to, any stationery, cheque books, books, documents, records, discs, access cards, security passes, keys, mobile phones, computer hardware and software, credit cards, motor vehicles, computer log-in codes, stock, samples, and safety and/or branded clothing belonging to SGT.

As soon as practicable, the terminating employee's security access to premises, networks and computer systems is to be cancelled either directly, or by advising the relevant people who control the systems to cancel all access.

Final Payments

Upon termination, the manager/supervisor responsible shall ensure that employees receive written confirmation of their termination, including details of all outstanding entitlements and the method of payment used for the employee's/apprentice's/trainee's final payments.

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APPROVED: KYM ANDERSON

DESIGNATION: CHIEF EXECUTIVE OFFICER

APPROVAL  
SIGNATURE:

DATE: 27<sup>TH</sup> MARCH 2023