

## AUSTRALIAN DOCTORS FOR AFRICA

**Policy: HUMAN RESOURCE MANAGEMENT**

**Date of last review: 04/2024**

**Date of next review: 04/2027**

**Approved by: Board**

### 1 PURPOSE AND SCOPE

#### 1.1 Purpose

ADFA is committed to being fair and equitable in its management of staff, board members and volunteers in accordance with proper human resource practice and legislation. ADFA also has a legal and moral responsibility to ensure the wellbeing, health and safety of all its representatives.

The purpose of this policy is to describe human resource practice within ADFA and to ensure that ADFA provides a working environment that is free of inappropriate behaviours, safe and without risk to health as far as is reasonably practicable.

#### 1.2 Scope

This policy applies to all ADFA staff, board members and volunteers. It is the responsibility of all ADFA representatives to involve themselves in the practical application of this policy in the course of their duties.

#### 1.3 Definitions

**Bullying:** repeated unreasonable behaviour directed toward a colleague that creates a risk to health and safety and which a reasonable person, having regard to all the circumstances, would expect to victimise, humiliate, undermine or threaten the colleague to whom the behaviour is directed.

**Discrimination:** any distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, nationality, sexual preference, or other grounds as outlined below, that has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation.

**Equal Opportunity:** the absence of discrimination in employment based on an attribute, such as a person's race, sex, disability, or other grounds of discrimination (see above).

**Grounds of Discrimination:** a list of characteristics protected by law against which discrimination is unlawful. In accordance with the Equal Opportunity Act 1984 (WA), discrimination is prohibited on the following grounds:

- age;
- sex;
- gender history;
- sexual orientation;
- family responsibility or family status;
- impairment / disability (physical intellectual or mental disability that is current, past or imputed);
- marital status;
- religious and political conviction;
- pregnancy; and
- race (including colour, ethnicity or national origin or descent).

**Harassment:** any type of unwelcome behaviour that is based on one of the grounds of discrimination and / or which offends, humiliates or intimidates the person being harassed.

**Sexual Harassment:** unwelcome sexual advance or unwelcome requests for sexual favours, or other unwelcome conduct of a sexual nature, in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated the possibility that the person harassed would be offended, humiliated or intimidated. Sexual harassment can take various forms. It can be

obvious or indirect, physical or verbal, repeated or one-off and perpetrated by any person of any gender towards any person of any gender. Sexual harassment can be perpetrated against beneficiaries, community members, citizens, as well as staff and personnel.

**Whistleblower:** a person who reports serious misconduct in accordance with this policy.

## 2 POLICY STATEMENT

### 2.1 Recruitment and Employment Conditions

ADFA's Recruitment and Employment Conditions are based on the National Employment Standards, which can be referenced on the Fair Work Ombudsman website of the Australian government (<https://www.fairwork.gov.au/employment-conditions/national-employment-standards>).

*Recruitment and Selection:* ADFA's objective is to recruit and select staff and volunteers based on merit, informed by the Australian Human Rights Commission strategies for merit based processes (<https://humanrights.gov.au/our-work/chapter-3-recruitment>), which includes:

- The establishment of recruitment targets for women, both shortlisting and interview targets
- Monitoring the composition of recruiting teams and ensuring they are gender diverse (including the interview panel)
- Adherence to a documented, transparent and standard recruitment process focused on meritocracy, from the resumé screening phase through to final offers
- Allowing job design, statements of duty and teamwork allocations that may be viable for returners.

Child safe behaviour-based questions will be asked of all individuals (paid or unpaid) who will be working with ADFA. All individuals (paid or unpaid) who will be working with ADFA, will be requested to disclose whether they have been charged with child exploitation offences.

A minimum of two reference checks will be completed for board members, staff and volunteers, including child safeguarding questions, a question regarding any concerns of sexual misconduct, and vetting for former misconduct.

Board members, staff and volunteers must notify ADFA of any Sexual Exploitation Abuse and Harassment-related criminal convictions, charges or relevant substantial complaints or allegations of misconduct made against them prior to, or during, engagement in ADFA activities.

All stages of the recruitment and selection process shall ensure adherence to equal opportunity and anti-discrimination legislation and policies.

Ongoing paid positions will be advertised and applications short listed. For staff, a Letter of Appointment will include agreed hours, salary, conditions and a Fair Work Information Statement.

*Remuneration:* Remuneration, including hourly rate and hours to be worked per week, will be as per agreement between CEO and successful candidate, and in line with the National Employment Standards (Fair Work Act 2009). ADFA may provide salary packaging provisions due to its charitable status.

*Leave Provisions:* Leave entitlements adhere to those set out in the National Employment Standards for annual leave, long service leave, public holidays, personal leave, sick and carer's leave, compassionate and bereavement leave, family and domestic violence leave, parental leave, and community service leave.

*Family Friendly Arrangements:* ADFA commits to reasonable accommodation for staff that allows working families and carers the opportunity for employment and inclusion in the workplace. Volunteers that travel overseas for ADFA assignments preclude the possibility of family arrangements in the workplace as this is not practical in a majority of contexts in which ADFA works.

*Superannuation:* As per the superannuation guarantee rate and relevant legislation.

*Induction Process:* All new staff and board members will participate in an induction process, introducing them to ADFA, its objectives, programs, ways of working, commitments, codes of conduct, and responsibilities. Staff will also be inducted into the operations, security measures, and OHS issues related to the office. This will occur within the first month of appointment. Induction may be conducted by a staff member's supervisor and colleagues, and board members will be inducted by the CEO and the Chair of the Board.

*Performance Management and Development:* ADFA is committed to ensuring that all staff are supervised effectively and their performance is regularly evaluated, initially through a 3 month probationary review and subsequently, for successful staff, an annual performance review. Staff and volunteers are encouraged to undertake personal development in relation to their position, as approved by the CEO/Board.

*Codes of Conduct:* Board members, staff and volunteers are accountable for their conduct in the workplace; expected to uphold the ADFA values; treat all information and matters confidentially; and act in a professional, courteous manner at all times. They are required to sign and adhere to the ADFA Codes of Conduct (either Staff and Non-Medical Volunteers, or Medical Volunteers, and Safeguarding) and adhere to ADFA's policies and procedures and the relevant codes/legislation (eg Australian Council for International Development (ACFID) Code of Conduct), a copy of which will be provided on commencement.

*Reasonable Accommodation:* ADFA will ensure that reasonable accommodation is made in the workplace to allow any staff or volunteer with a disability to engage and fulfil their workplace outcomes. "Reasonable accommodation" according to the United Nations Convention on the Rights of Persons with Disabilities, means necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms.

*Grievances:* ADFA is committed to ensuring that staff and other workplace participants are free to lodge a grievance and to providing a fair and transparent process for resolution, without fear of retribution by the organisation or victimisation from other staff. Grievances are handled as per the Complaints Handling Policy and Procedure, to ensure they are handled in a fair and timely manner.

*Redundancy:* As per the guidelines set out in the National Employment Standards.

*Mandatory Training:* All ADFA staff, board members and volunteers will be required to undertake prescribed training in Safeguarding, related to child safety and Prevention of Sexual Exploitation, Abuse and Harassment (PSEAH). This training will have a particular focus on the international development context, and a certificate of completion will be required from everyone. Staff and Board members will also be required to undertake the Introduction to ACFID Code of Conduct training. All these courses will be available to undertake on-line. Other training related to fraud and corruption, counter terrorism and anti-money laundering will be provided to the appropriate staff member(s).

*Gender Equality, Disability, and Social Inclusion:* ADFA has focal points at both Board and Management level to ensure that considerations of gender, disability and broader social inclusion are in place. Focal points are trained and experienced in these areas, and provide support, briefings, induction, capacity building and skills transfer to staff, volunteers, consultants and contractors as required.

*Rights-Based Approach:* ADFA takes a rights-based approach to understanding inclusion, recognising that the removal of barriers in an environment is a human right. ADFA commits to removing barriers in the workplace which are attitudinal (such as stigma created by a lack of awareness regarding diversity), systemic (such as policies and procedures that explicitly or implicitly discriminate against people), or environmental (such as inaccessible work environments).

## **2.2 Systems for Personnel Management**

ADFA has robust systems for the management of personnel files and information, especially related to remuneration, leave, results of pre-employment screening processes including professional references, police clearances or results of performance reviews. These systems will comply with privacy and confidentiality policies and legislation. Electronic staff files will be password protected whilst hard copies will be held in locked files. Staff are entitled to have access to their personal

records and, at the discretion of the CEO or Board member, may obtain photocopies of documentation contained in their files provided it doesn't breach the confidentiality of another party (*refer to ADFA Policy - Records Management*).

### **2.3 Screening and Criminal Record Checks**

All staff, Board Members and ADFA volunteers shall provide a national criminal record check prior to commencement in their role (for staff, Board and non-medical volunteers) or prior to being accepted on a medical assignment (medical volunteers). Checks are conducted for each country in which the individual has lived for 12 months or longer, for the past 5 years.

Checks for all of the above personnel groups are undertaken prior to confirmation of commencement in their role, and at least every 3 years henceforth (they may be done more frequently at ADFA's discretion, or as circumstances change). A certificate of no more than 6 months currency must be supplied.

In limited circumstances, where it proves impossible to obtain a reliable criminal record check, a statutory declaration or local legal equivalent, outlining efforts made to obtain a foreign police check and disclosing any charges and spent convictions, may be accepted instead.

All information relating to criminal record checks is handled in the utmost confidence, with access to information limited. Should a police check reveal criminal issues that relate to children or raise concerns about the candidate's suitability for the role, ADFA has the right to either refuse employment or a volunteer placement on that basis.

Working With Children checks are required for those engaging in child-related work as defined in the Working with Children (Screening) Act 2004.

### **2.4 Equal Opportunity**

Equal opportunity applies to:

- employment;
- persons seeking volunteer opportunities with ADFA;
- determining who is offered opportunities and training and on what terms; and
- termination of involvement with ADFA.

ADFA is committed to the application of equal opportunity in all aspects of employment and volunteer recruitment and will ensure that:

- all its representatives are treated in a fair and equitable manner;
- recruitment and conditions of work will be based solely on the basis of merit;
- it provides an office work environment free of unlawful discrimination and harassment;
- volunteers are mindful of unlawful discrimination or harassment in the countries in which it operates, where ethnic backgrounds and cultural values differ; and
- volunteers with equal probability of success have equal probability of being included in its medical teams.

### **2.5 Bullying and Harassment**

ADFA is committed to providing a working environment that is free from discrimination and where all personnel feel respected, valued, recognised for their contribution and treated fairly. Any inappropriate behaviour, harassment or bullying, whether it is verbal, physical, sexual or environmental, is unacceptable and will not be tolerated.

If a staff member, board member or volunteer is subjected to inappropriate behaviour by another person associated with ADFA, this will be addressed by ADFA and the person affected should approach the CEO or a member of the Board.

While ADFA does not wish to intrude into the personal relations of its representatives, it does have a proper concern where sexual relationships may represent an abuse of power in the workplace and have the effect of interfering with an individual's work performance or creating an environment that

is offensive, hostile or intimidating. As such, ADFA strictly prohibits personnel from engaging in any form of sexual activity with beneficiaries, with children, and with personnel from partner organisations. (See *ADFA Policy – PSEAH*). Care will be exercised in respect to the sensitivities of others, especially where there may be variation in the interpretation of acceptable behaviour resulting from different ethnic backgrounds and cultural values. ADFA does not accept that cultural differences should be used as an excuse or justification for bullying, harassment or discrimination.

## 2.6 Complaints

All complaints will be brought to the attention of the CEO ([ceo@ausdocafrica.org](mailto:ceo@ausdocafrica.org)) in the first instance, or the Chair of the Board ([chair@ausdocafrica.org](mailto:chair@ausdocafrica.org)). Complaints will be treated seriously, confidentially and immediately, with due regard for the rights of both complainants and respondents.

The process for dealing with complaints is detailed in the Complaints Handling Policy and Procedure <https://ausdocafrica.org/complaints/>.

## 2.7 Consequences of Misconduct or Inappropriate Behaviour

Representatives of ADFA who engage in inappropriate behaviour or display actions that are deemed as misconduct will face one or more of the following consequences:

- formal apology to the offended party;
- counselling;
- immediate return to Australia (where relevant);
- performance management, and/or termination of position.

Actions of misconduct include non-compliance with ADFA's policies and codes of conduct, and breaches of Australian law and the laws of the country of assignment.

Serious, gross or repeated actions of misconduct, including violence or abuse of power, will result in termination of association with ADFA and may result in legal action.

Staff, volunteers, contractors and partners who are aware of possible wrongdoing have a responsibility to disclose that information and will be protected from adverse employment consequences (see *ADFA Policy – Whistleblower*).

## 2.8 Disciplinary Process, Sanctions and Termination

### 2.8.1 Disciplinary Process

The following process will apply when a staff member has been identified as unable or unwilling to use skills to carry out tasks associated with a particular position competently. The process provides staff with the opportunity to improve their performance through training and trial periods. It also applies when staff have breached ADFA Codes of Conduct.

This process deals with repeated inappropriate staff behaviour or minor offences. It does NOT refer to cases of gross misconduct, which would result in instant dismissal.

Examples of **minor offences** include:

- Failure to follow the policies and procedures of the organisation (providing the behaviour does not amount to an act of Gross Misconduct)
- Acting in an unsafe manner at work
- Poor work performance
- Offensive behaviour, such as telling jokes that may offend or transmitting offensive material
- Suspicion of illicit drug or alcohol use which may affect work performance
- Refusal or failure to obey reasonable directions from the management team.

Examples of **gross misconduct** include:

- Theft of property or funds from the organisation
- Wilful damage of organisation property
- Intoxication through alcohol or illicit substances during working hours
- Verbal, physical or sexual harassment of any other staff member, volunteer or Board member, such as in respect of age, race, sex or religion

- The disclosure of confidential information in respect to the organisation to any other party without prior permission
- Falsification of any organisation's records for personal gain or on behalf of any other staff member
- Discrediting the organisation or members of its Board
- Significant abuse of power which could include developing a sexual relationship with beneficiaries (including minors), a member of staff or a volunteer.

Acts of Gross Misconduct constitute a serious breach of the ADFA's rules, which warrant the instant dismissal of a staff member, and may in certain cases result in referral to local law enforcement agencies.

A detailed Disciplinary Procedure is outlined in Annex 1, the main steps of which include:

- Step 1: Verbal Warning
- Step 2: First Written Warning
- Step 3: Second and Final Written Warning
- Step 4: Termination of Employment

The procedure must be applied immediately, or within seven days of an incident. Refer to Annex 1 for a comprehensive outline of procedures which must be applied as part of a Disciplinary Process.

### **2.8.2 Sanctions**

The following sanctions will apply where the Child Safeguarding Policy, the Prevention of Sexual Exploitation, Abuse or Harassment (PSEAH) Policy, or the Safeguarding Code of Conduct has been breached. ADFA may remove or suspend an individual immediately from a Program activity while the case is being assessed, or where a child's safety is potentially at risk. During any formal investigation period, the investigated person will be suspended from participation in Program activities. This action is to be taken as a matter of precaution and does not form or evidence a judgement of guilt.

Nothing in this policy changes, reduces or removes the medical and nursing obligations for mandatory reporting under various state and federal laws and the regulations of professional colleges and associations.

ADFA recognises an individual's right to a just process and does not presume guilt or innocence. Therefore, other than in circumstances of serious misconduct for which they may be suspended without pay at ADFA's sole discretion, any suspended paid personnel will continue to receive full pay. Any volunteers who are stood down will receive reasonable reimbursement of costs in the natural course.

Staff who breach the Child Safeguarding or PSEAH Policy and/or the Safeguarding Code of Conduct will be subject to any/all of the following disciplinary actions:

- (a) Transfer to other duties
- (b) Suspension
- (c) Termination of Employment

ADFA may consider the following sanctions if the Child Safeguarding or PSEAH Policy and/or the Safeguarding Code of Conduct have been breached by volunteers:

- (a) Suspension
- (b) Dismissal

Where a Program team member, who is an overseas resident or citizen (such as a local medical professional in a partner country), is the subject of an allegation the following will be applied:

- (a) Suspension from the ADFA program team whilst under investigation
- (b) Removal from the ADFA program team and all ADFA associated work if found to have breached the Child Safeguarding Policy and/or the Code of Conduct

Anyone who, after due investigation by the relevant authorities, are found to have put children at risk, or have been involved in sexual exploitation, abuse or harassment of any person, will not be permitted any further involvement in ADFA's initiatives, and may be subject to referral to local law enforcement authorities, by an ADFA representative and/or hospital representative. However, the survivor's wishes and wellbeing must be taken into consideration.

## **2.9 Occupational Health and Safety**

ADFA's *Occupational Health and Safety Policy* outlines its commitment to establishing and maintaining effective occupational health and safety (OHS) measures incorporating:

- a risk management plan to proactively identify and mitigate OHS risks both in Australia and overseas;
- the involvement of staff and volunteers in decisions that affect health and safety;
- reporting and review of all safety incidents and situations to identify contributing factors and take action to prevent a recurrence; and
- provision of orientation to new volunteers/staff.

Our objectives are to:

- provide a safe and healthy workplace;
- systematically identify and reasonably control OHS risks; and
- have a consultative process on OHS.

All representatives of ADFA have a responsibility to report hazards, incidents, and any near misses, and for ensuring their own and their colleagues' occupational health and safety. (See *ADFA Policy - Occupational Health and Safety*.)

## **2.10 Safety and Security – Volunteers or Staff Travelling Overseas**

The safety and security of volunteers and staff travelling overseas is of paramount importance to ADFA. A number of processes will be undertaken to assess and mitigate for any safety and security risks involved in overseas assignments. These include:

- Country Risk Assessments updated on a semi-annual basis.
- Pre-trip Risk Assessment undertaken in the planning phase.
- Identification of the Safety and Security Focal Point Person for each trip (Team Leader).
- Distribution of Emergency Protocols and Insurance contact lists to each participating volunteer.
- Pre-departure trip briefings with all participating volunteers

Refer to *ADFA Policy – Overseas Medical Assignments* and *Volunteer Manual*.

## **2.11 Application of Policy**

Specific responsibility falls upon ADFA representatives involved in screening, recruitment, orientation and supervision of new staff and volunteers. They have a responsibility to:

- act appropriately themselves;
- ensure that acceptable standards of conduct are observed at all times;
- not discriminate against any person for any reason as outlined in 1.3 above;
- promote the ADFA Codes of Conduct;
- ensure that the Child Safeguarding and PSEAH policies are understood and observed;
- treat all issues seriously and take immediate action to resolve the matter;
- refer complaints to another person if they do not feel that they are the best person to deal with the situation (eg. if there is a conflict of interest or if the circumstances are particularly complex or serious);
- ensure that, as far as practicable, ADFA representatives and partners are provided with the necessary information in relation to inappropriate behaviour;

- as far as practicable, ensure that contracted third parties do not engage in inappropriate behaviour;
- ensure that staff and volunteers understand the nature of their role and responsibilities and have the skills to work effectively without resorting to inappropriate behaviour; and
- assess risks and monitor for warning signs of inappropriate behaviour and, where necessary, investigate to determine what if any action needs to be taken.

## **2.12 Board**

All complaints and grievances received from staff, Board members and volunteers will be brought to the attention of the Board. The Board has a special role in assisting and supporting ADFA staff, Board members and volunteers who believe that they have been subject to inappropriate behaviours. Its role is to assist the individuals concerned, support the individual who has suffered, (eg. in relation to harassment) and identifying options for stopping the inappropriate behaviour.

If a complaint follows a formal process, as detailed in the *Complaints Handling Policy and Procedure*, a member of the Board can offer neutral support to the individuals concerned by assisting and informing them of the due processes to be followed for resolution of the matter. Upon request, the Board member can attend but not participate directly in meetings and interviews as an agent of support.

## **2.13 Liabilities**

ADFA may be prosecuted for a breach of occupational health and safety legislation where it has failed to take practicable precautions to prevent the breach from occurring by and to staff, Board members and volunteers, other service providers and members of the public.

Individuals engaging in some forms of inappropriate behaviour may be charged with a criminal offence or may be found liable under occupational health and safety legislation if they fail to take care for their own safety or the safety of others.

As the area of occupational health and safety is a criminal jurisdiction, an individual found to have breached occupational health and safety legislation risks a hefty fine or imprisonment. They also risk termination from association with ADFA.

## **2.14 Privacy**

All information obtained by ADFA in relation to staff members, board members, or volunteers will be kept in the strictest confidence, in accordance with our Privacy Policy.

## **2.15 Communication and Commitment**

New staff, board and volunteers shall be informed of this policy and associated documents through the induction process. Any material changes to the policy will be conveyed to medical volunteers prior to their next assignment.

On commencement, all staff, Board members and volunteers will be given access to copies of all relevant ADFA policies, and sign and abide by the appropriate Codes of Conduct:

- ADFA Code of Conduct – Medical Volunteers
- ADFA Code of Conduct – Staff and Non-medical Volunteers
- ADFA Code of Conduct – Safeguarding

## **3 REFERENCES**

### **3.1 Associated Documents**

- ADFA Code of Conduct – Medical Volunteers
- ADFA Code of Conduct – Staff and Non-medical Volunteers
- ADFA Code of Conduct – Safeguarding
- ADFA Policy – Child Safeguarding
- ADFA Policy/Procedure – Complaints Handling



- ADFA Policy – Conflict of Interest
- ADFA Policy – Disability Inclusion
- ADFA Policy – Gender Equality
- ADFA Policy – Occupational Health and Safety
- ADFA Policy – Overseas Medical Assignments
- ADFA Policy – Prevention of Sexual Exploitation, Abuse and Harassment
- ADFA Policy – Privacy
- ADFA Policy – Risk Management
- ADFA Policy – Whistleblower
- ADFA Volunteer Manual

### **3.2 Reference Documents**

- ACFID Code of Conduct
- Fair Work Act 2009 and related National Employment Standards
- People in Aid Code of Good Practice 2003
- Occupational Safety and Health Act 1984 (Western Australia)
- Equal Opportunity Act 1984 (Western Australia)
- Racial Discrimination Act 1972 (Commonwealth)
- Sex Discrimination Act 1984 (Commonwealth)
- Human Rights & Equal Opportunity Act 1995 (Commonwealth)
- Working with Children (Screening) Act 2004

**Established:** June 2010

**Reviewed:** October 2017, February 2018, November 2020, October 2021, April 2024

## **ANNEX 1: DISCIPLINARY PROCEDURE FOR STAFF**

The procedure must be applied immediately, or within seven days of an incident.

### **Step 1: Verbal Warning**

- 1 The CEO will advise the employee as soon as possible of the offence, inappropriate behaviour or breach of the Code of Conduct and provide them with an opportunity to discuss the issue or incident.
- 2 The CEO will then meet with the employee, outline the implications of their actions and seek an undertaking by the employee to change their behaviour. Where possible, any assistance the employee needs to change their behaviour will be identified and provided. A date will be set to review the employee's behaviour. This will usually be one month from initial interview.
- 3 The CEO will record a summary of this meeting, under the heading Verbal Warning on a File Note and place the file note in the employee's personnel file.

### **Step 2: First Written Warning**

- 1 If, during the time of review arranged in step 1, the employee's behaviour continues to be unsatisfactory or inappropriate, there will be a further meeting with the employee. During this meeting, the CEO will again stress the implications of the employee's actions and seek an undertaking by the employee to change their behaviour. Any assistance the employee needs to change their behaviour will be provided where possible. A date to review the employee's behaviour will be set – again, one month from the date of this meeting.
- 2 The CEO will record a detailed account of this meeting, under the heading First Written Warning on a File Note. Both the CEO and employee must sign the file note as a true and correct record of the meeting. The file note will be placed in the employee's personnel file.

### **Step 3: Second and Final Written Warning**

- 1 If, at the time of the review arranged in the First Written Warning meeting, the employee's behaviour continues to be unsatisfactory or inappropriate, there will be a further meeting with the employee. The CEO will again seek an undertaking by the employee to change their behaviour. The CEO will make it clear that this is a final warning regarding the inappropriate behaviour, and the implications of repeating this behaviour are dismissal of the employee.
- 2 The CEO will record a detailed account of this meeting, under the heading Second and Final Written Warning on a File Note. Both the CEO and employee will be required to sign the file note as a true and correct record of the meeting. The file note will be placed in the employee's personnel file.

### **Step 4: Termination of Employment**

- 1 If the behaviour is repeated after the final written warning is issued, the CEO may suspend the employee until the recommendation for termination can be put to the Board for a determination.
- 2 The CEO will record this outcome; actions will be instigated and recorded under the heading Termination of Employment on a File Note and the note placed in the employee's personnel file. The Termination of Employment process below specifies periods of notice that apply.

## **Minor Offences**

Minor offences attract the first step of the staff disciplinary procedure. Examples of minor offences include:

- Failure to follow the policies and procedures of the organisation (providing the behaviour does not relate to an act of Gross Misconduct)
- Acting in an unsafe manner on the job
- Poor work performance
- Offensive behaviour, such as telling jokes that may offend or transmitting offensive material
- Suspicion of illicit drug or alcohol use which may affect work performance
- Refusal or failure to obey reasonable directions from the management team.

## **Gross Misconduct**

Acts of Gross Misconduct constitute a serious breach of the ADFA's rules, which warrant the instant dismissal of an employee.

Examples of gross misconduct include:

- Theft of property or funds from the organisation
- Wilful damage of organisation property
- Intoxication through alcohol or illicit substances during working hours
- Verbal, physical or sexual harassment of any other employee, client, volunteer or member of the Board of Management, particularly in respect of age, race, sex or religion
- The disclosure of confidential information in respect to the organisation to any other party without prior permission
- Falsification of any organisation's records for personal gain or on behalf of any other employee
- Discrediting the organisation or members of its Board of Management
- Significant abuse of power which could include developing a sexual relationship with beneficiaries (including minors), a member of staff or a volunteer.

## **Employee Appeals**

An appeal against dismissal can be made to the Board in writing. If the next meeting of the Board is not due to be held within 10 working days of the date of the appeal, a special meeting should be requested.

An appeal against dismissal of the employee can be upheld by a majority vote of Board of Management members. If the dismissal of the employee is overturned, full pay for the period of suspension and dismissal and all entitlements shall be restored.

## **Termination of Employment**

Except in instances of gross misconduct warranting immediate dismissal, the employer will give notice in writing as specified below, or payment in lieu of notice, to any employee whose employment is to be terminated.

Where the employee has been employed:

- less than 1 year, 1 week's notice must be given
- 1 year and up to the completion of 3 years, 2 weeks' notice must be given
- 3 years and up to the completion of 5 years, 3 weeks' notice must be given
- 5 years and over, 4 weeks' notice must be

In cases of gross misconduct the Board may dismiss the employee without notice and with no salary payable for any period following the time of dismissal.