

Discipline Policy

1. Purpose and Scope

- 1.1 Australian Fertilizer Corporation Limited ('the Company') has designed this policy in recognition that the performance of employees is critical to the Company's success.
- 1.2 This policy applies to all Company employees.

2. Objective

- 2.1 The objective of the Discipline Policy is to establish a procedure for the effective management of disciplinary issues, including serious misconduct.

3. Disciplinary Procedure

- 3.1 All employees are expected to conduct themselves in accordance with accepted standards of behaviour and to respect and abide by Company's policies including the Code of Conduct.
- 3.2 Allegations of poor behaviour, poor performance, misconduct or breach of Company policy will be dealt with according to this policy. Termination of employment is a possible outcome in appropriate cases.
- 3.3 In most cases the steps will follow in sequence, but they need not do so in view of the circumstances or gravity of conduct. For example, it may be in appropriate cases that one or more warnings may be omitted depending on the circumstances. In the event of serious misconduct, immediate dismissal may be the result.

4. Serious Misconduct

- 4.1 Serious misconduct (including gross-negligence or other unacceptable behaviour) may warrant instant dismissal (without notice and without payment in lieu of notice).
- 4.2 Examples include:
 - fighting or other violence;
 - fraud and dishonesty;
 - stealing;
 - serious breaches of work health and safety legislation or policy;
 - disobeying lawful instructions;
 - gross negligence; and
 - committing a crime which has the potential to damage the reputation and/or viability of our business.
- 4.3 Allegations of such conduct will be investigated. All reasonable efforts will be made to obtain all relevant information.

5. Performance Management and Misconduct

Performance Expectations

- 5.1** The first step of any performance/conduct review process is to ensure that the employee is aware of the expectations of them in their role and what is acceptable performance and behaviour.
- 5.2** The following list is a *non-exhaustive* list of actions and behaviours which will be grounds for disciplinary action and the commencement of this process:
- failure to abide by the general health and safety rules and procedures;
 - persistent absenteeism and/or lateness;
 - unsatisfactory standards or output of work;
 - rudeness towards customers/clients, members of the public or other employees, objectionable or insulting behaviour, harassment, bullying or bad language;
 - failure to devote the whole of your time, attention and abilities to our business and its affairs during your normal working hours;
 - unauthorised use of email and internet for non-work purposes;
 - failure to carry out all reasonable instructions or follow our rules and procedures;
 - unauthorised use or negligent damage or loss of Company property; and
 - failure to report immediately any damage to property or premises caused by you.
- 5.3** Prior to commencing a formal performance/conduct review process managers must consider the level of training undertaken and experience of the employee in their role. Reference must be made to any documented performance reviews.

Verbal Warnings & Feedback

- 5.4** Verbal warnings and feedback should clearly detail the performance/conduct problem and the expected standards of performance and/or conduct. Together, the manager and employee should identify ways to improve the level of performance and/or conduct within an agreed timeframe.

Second Warning (1st Written)

- 5.5** Should an employee's performance/conduct continue to fall short of the required standard, a further meeting should be arranged between the employee, the relevant Manager and a witness if requested by the employee. It is important to note that a witness can be any person who is not a direct witness to any conduct related concerns or where there may be a conflict of interest. The Company may determine that a witness is unsuitable where the proposed witness is an employee and is not a union delegate.
- 5.6** The employee must be given the opportunity to address the allegations of poor performance, and matters raised by the employee will be considered.

- 5.7** The seriousness of the situation should be indicated to the employee and the consequences for further unsatisfactory performance made clear. The first warning letter should set out concerns raised at the meeting and the employee's response to those concerns. A copy of the signed letter should be placed on the employee's personal file.

Third & Final Warning (Final Written)

- 5.8** If performance/conduct has not improved satisfactorily by the expiry of the review period, a third meeting and a final written warning may occur. The same issues should be raised as with the first and subsequent warning, and again the employee must be given an opportunity to address the issues raised (with a representative present if desired). Please note the same restrictions apply to a representative as for a witness as set out above.
- 5.9** Immediately following such a meeting, unless the employee's explanation of the poor performance/conduct is accepted, the employee will be given a final warning and a letter will be provided to the employee recording the outcome of the meeting stating that it is a final written warning and that a failure to improve will lead to dismissal. A copy of the signed letter must be placed on the employee's personal file.

Termination

- 5.10** Should there be no satisfactory improvement in the employee's performance/conduct during the final review period, it may be necessary to terminate employment. Termination is a serious matter and will be carried out in a considered, professional, respectful and well-planned manner.

Employee Representation

- 5.11** Employees should be given at least 24 hours' notice of any performance/conduct meeting to enable them to have a representative present as a witness to any formal performance management proceedings.

6. Absenteeism

- 6.1** Continued poor attendance without due cause is disruptive and can result in the de-motivation of other employees and additional work pressure on those required to cover for absent employees.
- 6.2** If it is established that an employee has failed to notify of their non-attendance or has been absent for more than 3 days of work consecutively, then they may be considered to have abandoned their employment thus terminating the contract of employment. The Company may take steps to ascertain if there is a legitimate explanation for the employee's absence. Failure to notify of non-attendance (or lateness of notification) can result in a warning being issued and one or more stages of this procedure being omitted.
- 6.3** Where a clear pattern of absence emerges, e.g. time of attendance, day of week, single or double days, adjacent to public holidays, and an investigation deems the absences unreasonable then the employee should be counselled, and a first written warning may be issued. After a first warning for absenteeism, a Doctor's Certificate may be required for all further absences over an agreed period.
- 6.4** If the pattern continues then the discipline procedure should be followed and continued absenteeism, without reasonable cause, may result in dismissal.

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