

### **Purpose**

The purpose of this policy is to specify the principles and procedures when managing and dealing with under performance, misconduct and disciplinary matters relating to a deployee when engaged by RedR Australia (RedR).

### **Who it applies to**

This policy applies to all RedR deployees. This policy should be read in conjunction with the deployee's contract as well as the corresponding Memorandum of Understanding (MoU) from the related agency.

### **While on contract**

- There is an expectation that the RedR Deployee provides technical skills and knowledge during their deployment, acts in a manner that is consistent with RedR's Code of Conduct and values, and observes RedR's policies and procedures.
- Depending on the nature of the underperformance or allegation, in the first instance, deployees are encouraged to address the matter with a RedR representative and the host supervisor.
- Deployees are to raise any matter of disputes, allegations, and grievances relating to their deployment with their RedR Representative. A RedR Deployment Officer will provide advice in addressing the matter and may facilitate the process to address or clarify the matter with the host agency to genuinely resolve the matter.
- Deployees are encouraged to access psychosocial support through the nominated provider.

### **Managing Under Performance or Misconduct**

- Any feedback or allegations of underperformance or misconduct received relating to a deployee on deployment will be followed up by a RedR representative.
- RedR will request further information from the Host Agency and/or relevant parties.
- The deployee in question will have the opportunity to respond to any feedback or allegations.
- Where underperformance or allegation of misconduct is substantiated, RedR in conjunction with the host agency may introduce a set of agreed steps with the Deployee. The deployee is expected to increase performance or standards of conduct. Disciplinary actions including summary termination and early withdrawal from the field may also be applied.

### **Investigation**

- In some circumstances, RedR may deem it appropriate to conduct an investigation of unacceptable performance or behaviour/misconduct.
- RedR holds full discretion to withdraw a deployee from the field to the deployee's home base, whilst the matter is being resolved or during an investigation.
- The health, safety, and security of the deployee will remain our priority during the process.

### **Suspension**

- RedR may deem it appropriate for parties to be stood down with pay during an investigation and until such time as the alleged misconduct has been investigated.
- Withdrawal from the field will be considered on a case by case basis.
- The deployee will also have the opportunity to respond to the allegations and may be accompanied by a support person during a meeting. A support person is not to advocate on behalf of the deployee however may provide the emotional support or assist in clarifying/explaining a response if the deployee has difficulty communicating a response during meetings.
- Prior to any suspension, RedR will be providing in writing the reason(s) for the suspension and an estimated timeframe for the investigation.

### **Substantiating a Finding**

- In substantiating a finding, RedR will consider the following:
  - Balance of probabilities and reasonable person test
  - Impact on complainant, severity and frequency of behaviour
  - The impact on the organisation in terms of its exposure to vicarious liability claims and/or damage to its reputation
  - Policy contravention
- If found to have occurred, RedR may categorise as:
  - Potentially unlawful
  - Breach of policy/code
  - Unreasonable
  - Under performance
  - Unprofessional
  - Reasonable in all the circumstances

### **Disciplinary Actions**

- Formal performance management and discipline procedures including summary termination or early withdrawal from the field may be initiated for continued underperformance and unacceptable behaviour.
- Disciplinary procedure:
  - Step 1 Verbal warning
  - Step 2 Written warning
  - Step 3 Notice of termination
  - Step 4 Summary Termination
- All 'warnings' issued will include a clear statement of:
  - Specific concerns about the deployee's performance or conduct;
  - Expectations regarding resolution of these matters;
  - The time in which these improvements are to be achieved.
- In most circumstances RedR will commence the procedure at step 1 though in more serious cases, the procedure may commence at step 3. For cases of serious misconduct, summary dismissal (termination) and/or immediate withdrawal will apply.

### **Verbal Warning**

- A meeting will be held to discuss the deployee's performance or conduct.
- The deployee will be given the opportunity to explain their position.
- RedR will consult with the deployee and host agency (if applicable) about agreed expectations and timeline for review. Continued poor performance or unacceptable behaviour will lead to further disciplinary actions.

### **Written Warning**

- If the performance or conduct fails to meet the required standard in the agreed timeline, or where the same or a related problem occurs within twelve months of the end of the review period, RedR shall hold a meeting with the deployee.
- The deployee will have the opportunity to respond.
- RedR shall issue a written warning outlining corrective action required, and a final timeline to meet the required standard.

### **Notice of Termination**

- Where the unsatisfactory performance or conduct continues, or where the same or a related problem occurs within twelve months of the final review period, RedR may terminate the employment of the deployee with notice.
- RedR will hold a meeting where the deployee will be given the opportunity to explain their actions.
- The written document provided to the deployee will confirm the facts relied upon to justify the warning (s) and notice of termination.

### **Summary Termination**

- Serious misconduct and negligence may lead to summary dismissal. If substantiated, no payment of notice is applicable.
- Situations which may warrant summary dismissal would include, but are not limited to:
  - a) Fighting or aggressive behaviour;
  - b) The inability to carry out normal duties as a result of the use of intoxicants;
  - c) Serious negligence;
  - d) Fraud, corruption, or bribery;
  - e) Criminal conduct;
  - f) Wilful damage to property;
  - g) Deliberate breach of occupational health and safety obligations;
  - h) Abuse of members of the public;
  - i) Harassment or unlawful discriminatory conduct;
  - j) Breach of the child protection policy and code of conduct.

### **Written Records**

- An entry of the 'warning' given will be recorded in the deployee's personal file.
- For notice for termination, a further review will be taken with Human Resources and Humanitarian Roster to review their status as a Roster member.
- For summary termination, immediate removal as a Roster member may occur.

### **Appeal / Grievance**

- The Deployee may appeal the substantiated finding via formal documentation and request for review of the matter. In such circumstances, the matter will be reviewed by the CEO.
- The Deployee may also access the RedR Grievance policy and procedure.

**Other Relevant Policies & Documents**

This policy should also be read in conjunction with the following policies/documents:

- RedR Code of Conduct
- RedR Values and Behaviours
- RedR Deployee Handbook
- RedR Grievance Policy

**Document control**

<b>Reviewed by:</b>	P&C Director
<b>Approved by:</b>	CEO
<b>Review date:</b>	4 <sup>th</sup> July 2018
<b>Next review:</b>	5 <sup>th</sup> July 2020
<b>Distribution:</b>	Internal
<b>Version number</b>	1.0