

# C R A G G Y R A N G E

VINEYARDS LTD

Policy Name:	Disciplinary Policy and Procedures	Department:	Human Resources		
Policy Owner:	Human Resources Manager	Approved By:	Chief Executive Officer		
Creation Date:	January 2014	Review Date:	February 2017	Version Number:	6

## 1. Purpose

- 1.1. This Policy sets out the Craggy Range procedures for managing compliance with the standards of behaviour and performance that are required of all Craggy Range employees.
- 1.2. This Policy should be read in conjunction with relevant Employment Agreements and the Bullying, Harassment and Discrimination Prevention Policy.
- 1.3. It is Craggy Range's intention to ensure that investigations, disciplinary matters and performance problems are dealt with fairly, promptly, consistently and in line with the procedures set out in this Policy.

## 2. Scope

- 2.1 This policy applies to all employees of Craggy Range.

## 3. Definitions

### *Oral Warning*

An oral warning is given verbally, though will be confirmed in writing. The oral warning will identify the conduct or performance which is unsatisfactory, the improvements required (where appropriate) and the possible consequences of future non-compliance.

### *First Warning*

A first written warning will be identified as either a "written warning" or "first written warning". This will be in writing and will also outline the conduct or performance which is unsatisfactory, the improvements required (where appropriate) and the possible consequences of future non-compliance.

### *Final Warning*

Where conduct is sufficiently serious a final warning may be given. This will be in writing and will be identified as a "final warning". It will outline the conduct or performance which is unsatisfactory, the improvements required (where appropriate) and the possible consequences of future non-compliance.

### *Dismissal*

Dismissal may occur where conduct is deemed by Craggy Range to be sufficiently serious as to justify terminating an employee's employment. The employment may be ended with or without notice. Dismissal may be preceded by an oral warning or a first written warning, or final warning. In serious circumstances however, it may also occur where no warnings have been given.

### *Serious Misconduct*

Serious misconduct can take many forms. Depending on the seriousness of such conduct, Craggy Range has set out some examples below of the type of conduct that will be deemed to be serious misconduct (the list is not, nor intended to be, exhaustive or complete):

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- falsifying, misuse, theft and/or fraud any information, records or other documents;
- the use or possession of illegal drugs while on Craggy Range's premise or whilst on Company business;
- consuming liquor, whilst on Company premises, work sites, in work vehicles or during working hours without permission or outside of the scope of an individual's role;
- attending work under the influence of illegal drugs or intoxicating liquor so that the employee is or may be unable to perform his/her duties satisfactorily or safely;
- breach of Craggy Range's Code of Conduct or other policies or procedures;
- conduct that may bring the Company's reputation into disrepute;
- acting in a negligent, reckless or careless manner which could potentially or actually result in injury to another person;
- damage to the Company's plant or property, whether deliberately or through negligence;
- harassment, bullying or discriminatory behaviour;
- removing, taking possession of, or misuse of, another employee's personal property without that employee's consent;
- refusal or failure to obey a lawful and reasonable direction;
- sleeping during working hours;
- smoking in restricted areas;
- competing, engaging or assisting another person or entity to compete with the Company on any matter, without the written consent of the Company;
- failure to comply with any Health and Safety policies, procedures, instructions or guidelines for the workplace;
- absence from work without good cause, or failure without good reason to promptly report an absence;
- failure to report to a Manager or H&S representative as soon as possible, any accident, near miss or incident that resulted in or may have resulted in personal injury, damage or loss to any person or property;
- continued lateness or lack of application to assigned tasks;
- repeated failure to perform work to the required standard.

An employee who commits an act of serious misconduct will be subject to disciplinary action up to and including instant dismissal.

## 4. Policy

- 4.1. Craggy Range may invoke the disciplinary procedure not only for serious misconduct, but also in circumstances where conduct or performance of an employee is not in the interests of the Company and/or its employees.

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- 4.2. Before any disciplinary procedure is undertaken, the Manager will consult with Human Resources on the course of action to be taken.
- 4.3. Any warning issued to an employee, will be in accordance with the terms and conditions of their employment agreement.

## 5. Procedure

5.1 The format of any disciplinary procedure will vary depending on the particular circumstances, but may include any of the following action by Craggy Range:

- appointing an internal and/or external person to investigate the issue(s);
- suspending on pay or transferring the employee to other duties pending an investigation (provided the issue is sufficiently serious or is warranted on health and safety grounds);
- advising the employee of the commencement of an investigation or delaying such advice if the Company thinks it is appropriate to do so;
- informal resolution of the issue(s);
- a decision to take no further action; or
- instigation of a disciplinary meeting.

### 5.2. Representation

An employee may contact their union or other representative at any stage. The union or other representative may act on behalf of the employee to try and resolve any problems.

### 5.3 Disciplinary Meeting

If a decision is made to proceed to a disciplinary meeting, the employee will be asked in writing to attend a disciplinary meeting on a date and time nominated by the Company.

The letter will advise the employee of the nature of the allegations or concerns to be discussed at the disciplinary meeting, and of the employee's right to seek legal advice and/or representation at the disciplinary meeting.

At the meeting, the employee will be given a fair opportunity to provide their account or explanation of events or to mitigate his or her conduct. If, as an outcome of the disciplinary meeting the employee may be dismissed, then Craggy Range will remind the employee of his or her right to representation during the meeting.

The disciplinary meeting will usually be adjourned to enable the Company to consider any relevant evidence or information available, before making a decision on the outcome of the disciplinary meeting.

### 5.4 Outcome of the Meeting

The employee will be advised initially orally and then in writing of the outcome of the disciplinary meeting. The outcome will vary depending on the findings made by Craggy

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Range. In some circumstances no further action will be warranted, if the matter is dealt with informally.

If however, the circumstances require disciplinary action, the employee will be advised of the Company's findings, the reasons for the findings and the disciplinary action that will be taken or is being considered.

## 5.5 Disciplinary Action

Disciplinary action may include the Company warning or dismissing the employee.

If a warning is to be given, the warning will be a first warning or a final warning (unless provisions within the employment agreement state otherwise and an oral warning is appropriate). Importantly, the type of warning given will reflect the seriousness of the situation. Thus, for example, an employee may be given a final warning without having previously received a first warning.

In addition, warnings may also be given and relied on where there is a repetition of a specific type of unsatisfactory conduct or where the unsatisfactory conduct is of a clearly dissimilar or separate nature.

Where a warning has been given to an employee, the Company will consider whether training, assistance or any other form of support is needed to assist the employee, and if so, the Company will provide that support.

The length of any warning for performance issues will range from six (6) months to twelve (12) months and will remain on file no longer than the maximum twelve (12) months. No length of warning will be applied to disciplinary warnings.

## 5.6 Record of Disciplinary Action

Where disciplinary action is taken, a note of the disciplinary action will be made and will be placed on the employee's personal file.

## 5.7 Grievance Procedure

5.7.1 An employee aggrieved by any action taken by Craggy Range may pursue a grievance in terms of the personal grievance procedure set out in their Employment Agreement or as provided under the Employment Relations Act 2000.

The employee must raise a personal grievance within 90 days of the action occurring, or within 90 days from the date the employee became aware of it. If the grievance is not raised within 90 days, it may be deemed to be out of time, unless there are exceptional circumstances.

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If an employee is dismissed, he or she may within 60 days after the date of dismissal, request the Company to provide a statement in writing of the reasons for the dismissal. The Company must give the statement within 14 days after being asked.