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## Serious Misconduct

Conduct that is serious misconduct includes the following (from the *Fair Work Regulations 2009*):

- a) wilful or deliberate behaviour by an employee that is inconsistent with the continuation of the contract of employment;
- b) conduct that causes serious and imminent risk to:
  - i. the health or safety of a person; or
  - ii. the reputation, viability or profitability of the employer's business.
- c) the employee, in the course of the employee's employment, engaging in:
  - i. theft; or
  - ii. fraud; or
  - iii. assault;
- d) the employee being intoxicated at work;
- e) the employee refusing to carry out a lawful and reasonable instruction that is consistent with the employee's contract of employment.

## Automatic Written Warnings

Any apprentice who is injured in the workplace or involved in a workplace incident as a result of the apprentice failing to comply with EGT, host employer or site safety rule will result in a written warning as a minimum. This includes but is not limited to:

- Failing a Drug or alcohol test;
- Failing to report an injury or incident within 24 hours;

## One Verbal Warnings

A Field Officer will issue only **one Verbal Warnings** to an apprentice for any of the performance issues listed below during the course of the Training Contract.

Verbal warnings:

- Failing to wear uniform and PPE; and
- Failing to complete a Risk Assessment Checklist (RAC);

## Two Verbal Warnings

A Field Officer may issue up to **two Verbal Warnings** to an apprentice for any of the performance issues listed above during the course of the Training Contract.

Verbal warnings:


- Must be in person i.e. at the worksite or at the EGT Office;
- Must allow the apprentice the right of reply to explain their account of events; and
- Must be recorded by the responsible Field Officer in PeopleTray.

## Written Warnings

A Field Officer may issue up to **two Written Warnings** to an apprentice for any of the performance issues listed above during the course of the Training Contract. Any issue considered by a Field Officer to be a performance issue requiring a written warning should be discussed with the Senior Field Officer or Operations Manager prior to the meeting in which it is to be issued.

Written warnings:

- Must be in person i.e. at the worksite or at the EGT Office;
- Must allow the apprentice the right of reply to explain their account of events;
- Must be signed by the issuing Field Officer, the Senior Field Officer or Operations Manager;
- Should be signed by the apprentice;
- Copy must be given to the apprentice; and
- Must be recorded by the responsible Field Officer in PeopleTray.

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### Final Written Warning, Suspension or Termination

If performance issues continue (or new issues arise) with any apprentice who has already received two written warnings they must be referred to the Senior Field Officer or Operations Manager for a final written warning, suspension or termination.

Final written warning, suspension or termination meetings:

- Are preceded by a briefing from the relevant Field Officer to the Senior Field Officer or Operations Manager, and should include a written summary of concerns and provide reasons for the final written warning, suspension or termination;
- Are arranged (time date etc.) by the relevant Field Officer;
- Must include the apprentice and their parent/guardian (if applicable);
- May include a support person for the apprentice (this should be offered prior to the meeting);
- Must be in person and at the EGT Office;
- Must allow the apprentice the right of reply to explain their account of events;
- Must include the relevant Field Officer who is to note all discussion, actions, outcomes of the meeting and any other information to be recorded into PeopleTray.

The decision for final written warning or an application being made for suspension or termination is at the sole discretion of the Senior Field Officer or Operations Manager that is in attendance.

### Warning Escalation

Unless it involves serious misconduct, warnings should escalate as follows:

- If one verbal warning has been issued to an apprentice, the following performance issue will result in a second verbal warning;
- If two verbal warnings have been issued to an apprentice, the following performance issue will result in a written warning;
- If one written warning has been issued to an apprentice, the following performance issue will result in a second written warning;
- If two written warnings have been issued to an apprentice, the following performance issue will result in a final written warning or an application being made for suspension or termination;
- If a final written warning has been issued to an apprentice, the following performance issue will result in an application being made for suspension or termination;
- If an apprentice fails to adhere to EGT's Uniform and PPE policy, the Field Officer is to issue the correct type of warning as per the above and will re-visit this apprentice within ten working days to confirm the apprentice complies with the policy. If during this re-visit the apprentice still fails to comply with the Uniform and PPE policy, a written warning as a minimum must be issued.

### Dispute Resolution

Any disputes arising out of this Guide should be settled in accordance with the Electrical, Electronic and Communications Contracting Award 2020, the Department of Training and Workforce Development's Apprenticeship Policy, and the Vocational Education and Training Act 1996.

### Reference Documents

- ETI Employee Code of Conduct
- Alcohol and Other Drugs Management Program
- ETI Just Culture Decision Tree
- MA000025 Electrical, Electronic and Communications Contracting Award 2020
- Vocational Education and Training Act 1996
- Department of Training and Workforce Development's Apprenticeship Policy
- Fair Work Regulations 2009
- Termination Guidelines, Including Termination in Probation Period