

# Misconduct Management Policy

## Rationale

Our vision is a world where 360 Degrees Security & investigations Limited is recognised as a standout provider of modern, responsive, and affordable security services.

Our human resources strategy is to create a sustainable competitive advantage by aligning our people to our vision, by building a skilled, safe, and motivated workforce, while driving a work culture of professionalism and continuous improvement.

We recognise that building a work culture of professionalism means that there has to be consequences for employees who choose to engage in behaviour that amounts to misconduct or serious misconduct. We also recognise that employers must treat an employee who is accused of misconduct or serious misconduct, fairly, and in a manner consistent with the law (there must be both procedural fairness, and substantive justification for the specific disciplinary measure taken – even if it is only a warning).

Our approach to strategy execution is to adopt the EZHR System and its policy framework to achieve our strategic HR objectives. The EZHR System is a people management and workplace safety system that incorporates an effective misconduct management sub-system designed to ensure that employees accused of misconduct or serious misconduct are treated fairly, and in a manner consistent with the law.

## Policy Statement

360 Degrees Security & Investigations Limited shall operate an effective misconduct management system that (1) deters misconduct from occurring in the first place; and (2) ensures that employees accused of misconduct or serious misconduct are treated fairly, and in a manner consistent with the law.

## Policy Guidelines

1. For the purposes of this policy:
  - a. **Misconduct** means behaviour by an employee, whether or not it is carried out while on duty or off duty, that is calculated or likely to undermine the relationship of trust and confidence between the employer and the employee; and
  - b. **Serious misconduct** means behaviour by an employee, whether or not it is carried out while on duty or off duty, that is calculated or likely to destroy or

seriously damage the relationship of trust and confidence between the employer and the employee.

2. The HR Manager shall ensure that employees are given information about:
  - a. this policy; and
  - b. the types of behaviour that amount to misconduct and serious misconduct; and
  - c. the potential consequences of engaging in behaviour that amounts to misconduct and serious misconduct, including the potential consequence in the case of serious misconduct of instant dismissal; and
  - d. the process that will be followed by the discipliner when dealing with misconduct and serious misconduct (including the investigation sub-process, and the disciplinary sub-process).
3. To give effect to the above clause, the information shall be given:
  - a. before an employee accepts employment by including misconduct information in the Individual Employment Agreement being offered; and
  - b. during a new employee's induction by including misconduct information in the HR4F Employer's HR Policies Booklet.
4. No employee shall engage in misconduct or serious misconduct.
5. An employee:
  - a. cannot be dismissed for misconduct; however
  - b. may be dismissed for serious misconduct.

### **Reporting misconduct**

6. Every employee that witnesses or otherwise suspects misconduct or serious misconduct shall as soon as is reasonably practicable report the matter to:
  - a. their line manager; and/or
  - b. the HR Manager.
7. The willful failure or refusal by an employee to report misconduct or serious misconduct that the employee knew about or reasonably knew about is itself behaviour that amounts to misconduct.

### **Deciding between misconduct and serious misconduct**

8. The HR Manager in consultation with a director (or other person holding a comparable position) shall decide whether alleged behaviour by way of its nature is:

- a. misconduct that may result in disciplinary action less than dismissal; or
  - b. serious misconduct that may result in disciplinary action that includes summary dismissal.
9. When deciding whether alleged misconduct is to be deemed alleged serious misconduct and treated as such the HR Manager and a director (or other person holding a comparable position) shall consider whether the alleged misconduct is calculated or likely to destroy or seriously damage the relationship of trust and confidence between the employer and the employee (if the answer to that question is 'yes', then the alleged misconduct is to be deemed alleged serious misconduct and treated as such).

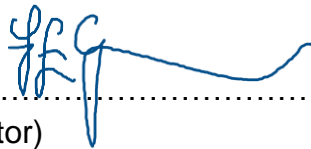
### **Dealing with misconduct proceedings**

10. The person who initiates, leads, and determines the misconduct proceedings shall be the person that has the authority to discipline the employee accused of misconduct or serious misconduct so as to observe the employee's right to be heard by the decision maker.
11. This person shall be known as the 'discipliner.'
12. Unless the context otherwise requires, the discipliner in misconduct proceedings (but not serious misconduct proceedings) shall be the HR Manager.
13. The discipliner in serious misconduct proceedings shall be:
- a. a director (or other person holding a comparable position); or
  - b. a person, which may be the HR Manager, appointed by a director (or other person holding a comparable position) as the discipliner.
14. Incidents of possible misconduct or serious misconduct by an employee shall be dealt with by the discipliner in accordance with the procedure outlined in the HR7A EZHR Guide to Misconduct Management to be read in conjunction with this policy.

### **Employee to be treated fairly**

15. An employee that is subject to the initiation of misconduct or serious misconduct proceedings shall be treated fairly.
16. In ensuring that the employee is treated fairly the discipliner shall ensure:
- a. that the employee is accorded procedural fairness by adhering to the procedures outlined in the HR7A EZHR Guide to Misconduct Management; and
  - b. where the circumstances are such that it is not appropriate for the employee to be at the workplace pending the determination of the misconduct or serious misconduct proceedings, the employee shall be stood down on full pay; and

- c. where the employee is not stood down but requests time off work to seek advice and prepare for an investigation meeting or a disciplinary meeting the employee will be granted special leave on pay of reasonably sufficient duration to attend to the matters; and
- d. that the allegations are put to the employee in writing and the employee given a fair opportunity to refute the allegations, or to explain or mitigate his or her actions; and
- e. that at the time the allegations are put to the employee in writing there is full disclosure to the employee of all relevant information in the possession or control of the discipliner; and
- f. that the employee is accorded the right to representation and to have a support person attend with them at any investigation meeting or disciplinary meeting; and
- g. that where serious misconduct proceedings result in the employee's dismissal that the employee is provided with full written reasons for the decision; and
- h. that confidentiality is maintained to the greatest extent possible.

Signature:  ..... Date: 1 October 2023  
(Fran Gibson, Director)

Next policy review due date: 1 October 2026