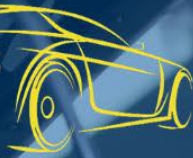


Apprenticeships
Are Us



PERFORMANCE MANAGEMENT POLICY



PURPOSE

Apprenticeships Are Us Ltd Apprentice Employment Managers are responsible for the monitoring, mentoring and performance management of all apprentices/trainees employed by Apprenticeships Are Us Ltd. This process is designed to provide clarity for Apprentice Employment Managers in the application of disciplinary processes in order for Apprenticeship Are Us Ltd apprentices/trainees to be treated fairly and equally regardless of the assigned Apprentice Employment Manager.

In addition to the requirements of the Vocational Education and Training Act 1996, the Department of Training and Workforce Development's Apprenticeship Policy, Apprenticeships Are Us Ltd provides the following instructions to assist Apprentice Employment Managers to address apprentices/trainee performance issues.

This policy also aligns with the requirements of the Fair Work Act 2009 and the Work Health and Safety Act 2024 to ensure that performance management processes are compliant with national employment standards, including considerations for workplace safety, anti-discrimination, and employee rights during disciplinary procedures.

SCOPE

Apprentice/trainee performance issues that are addressed by this procedure include but are not limited to the following:

- Lack of progress in off-the-job training (includes completion of competencies and profiling requirements).
- Lack of progress in on-the-job training.
- Failing to comply with Apprenticeships Are Us Ltd.'s Code of Conduct.
- Failing to comply with Apprenticeships Are Us Ltd, Host Businesses and site safety rules.
- Poor attitude, punctuality and attendance; and
- Misconduct.

SERIOUS MISCONDUCT

Conduct that is serious misconduct includes the following (from the Fair Work Regulations 2009 section 1.07.):

1. Wilful or deliberate behaviour by an employee that is inconsistent with the continuation of the contract of employment.
2. 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.
3. The employee, in the course of the employee's employment, engaging in:
 - i. theft; or
 - ii. fraud; or
 - iii. assault.
4. The employee being intoxicated at work.
5. The employee refusing to carry out a lawful and reasonable instruction that is consistent with the employee's contract of employment.
6. Misconduct may also include misuse of digital assets or IT systems, including unauthorized access to confidential information or breaches of the organisation's data security policies. These actions will be subject to disciplinary measures as outlined in the Privacy Act 1988 and the Cybersecurity Standards Act 2023.

AUTOMATIC WRITTEN WARNINGS

Any apprentice/trainee who is injured in the workplace or involved in a workplace incident as a result of the apprentice failing to comply with Apprenticeships Are Us Ltd, Host Businesses or site safety rule will result in a written warning as a minimum. This includes but is not limited to:

- Failing to wear uniform and PPE.
- Failing to report an injury or incident within 24 hours.

All performance records and warnings must comply with the Australian Privacy Principles (APPs), ensuring that sensitive employee information is securely stored and only accessible by authorised personnel. This guarantees privacy and data protection in line with national standards.

VERBAL WARNINGS

An Apprentice Employment Manager may issue up to two Verbal Warnings to an apprentice/trainee for any of the performance issues listed above during the course of the Training Contract. Any issue considered by an Apprentice Employment Manager to be a performance issue should be discussed with GTO Team Leader.

Delivering Verbal warnings

- Must be in person i.e., at the worksite or at the Apprenticeships Are Us Ltd Office.
- Must allow the apprentice/trainee the right of reply to explain their account of events.
- Where apprentices or trainees work remotely or in hybrid environments, verbal warnings may be issued virtually, provided that the meeting is conducted via a secure and confidential platform. All digital communication must comply with the organisation's remote work policies and the Telecommunications Interception and Access Act 2024.
- May be accompanied by a probation extension if issued during the probation period; and
- Must be recorded by the responsible Apprentice Employment Manager on the Internal Database.

WRITTEN WARNINGS

An Apprentice Employment Manager may issue up to two Written Warnings to an apprentice/trainee for any of the performance issues listed above during the course of the Training Contract. Any issue considered by an Apprentice Employment Manager to be a performance issue should be discussed with GTO Team Leader.

Delivering Written warnings

- Must be in person i.e., at the worksite or at the Apprenticeships Are Us Ltd Office.
- Must allow the apprentice/trainee the right of reply to explain their account of events.
- Must be accompanied by a probation extension if issued during the probation period.
- Must be signed by the issuing Apprentice Employment Manager or GTO Team Leader.
- Should be signed by the apprentice/trainee.
- Must be given to the apprentice/trainee original and a copy returned to Apprenticeships Are Us Ltd office; and
- Must be recorded (scanned, saved and linked) by the responsible Apprentice Employment Manager in the Internal Database.

Final Written Warning, Suspension or Termination

If performance issues continue (or new issues arise) with any apprentice/trainee who has already received two written warnings they must be referred to the GTO Team Leader for final written warning, suspension or

termination.

All final written warnings, suspensions, or terminations related to workplace safety issues must comply with the Work Health and Safety Act 2024. This includes a review of any safety breaches and ensuring that corrective actions are documented and communicated to relevant stakeholders.

Delivering Final written warning, suspension, or termination meetings

- Are preceded by a briefing from the relevant Apprentice Employment Manager to the GTO Team Leader who is to be involved 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 Apprentice Employment Manager.
- During final written warning, suspension, or termination meetings, consideration must also be given to the mental health and well-being of apprentices or trainees. This aligns with *Workplace Mental Health Standards* as outlined by Safe Work Australia, ensuring that employees are provided with appropriate mental health support throughout the process.
- Must include the apprentice/trainee and their parent/guardian (if applicable).
- May include a support person for the apprentice/trainee (this should be offered prior to the meeting).
- Must be in person at the work site or at the Apprenticeships Are Us Ltd Office.
- Must allow the apprentice/trainee the right of reply to explain their account of events.
- Must include the relevant Apprentice Employment Manager who is to note all discussions, actions, outcomes of the meeting and any other information to be recorded in the Internal Database.

The decision for final written warning or an application being made for suspension or termination is at the sole discretion of the GTO Team Leader in attendance.

Warning escalation

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

- If two verbal warnings have been issued to an apprentice/trainee, the following performance issue will result in a written warning.
- If one written warning has been issued to an apprentice/trainee, the following performance issue will result in a written warning.
- If two written warnings have been issued to an apprentice/trainee, 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/trainee, the following performance issue will result in an application being made for suspension or termination.
- If an apprentice/trainee fails to adhere to Apprenticeships Are Us Ltd Uniform and PPE policy, the Apprentice Employment Manager is to issue the correct type of warning as per the above and will re-visit this apprentice/trainee within ten working days to confirm the apprentice/trainee complies with the policy. If during this re-visit the apprentice/trainee 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 Apprenticeships Are Us Ltd and/or the relevant State Training Authority.

Any disputes arising from performance management or disciplinary actions will be managed in accordance with the *Fair Work Commission's* updated dispute resolution procedures. Apprentices or trainees may seek third-party mediation, and Apprenticeships Are Us Ltd must ensure compliance with any legal obligations related to dispute handling.

AUTHORISATION

Michael Wentworth



Managing Director
Apprenticeships Are Us Limited

DOCUMENT CONTROL

Version	Authorised by	Authorisation Date	Sections	Amendment
1.1			All	N/A
1.2	M. Wentworth	01/02/2018		Change of CEO
1.3	M. Wentworth	25/05/2023	All	Cover page and content update
1.4	M. Wentworth	11/10/2024	All	Cover page, minor content update