

*Email*

**FROM:** Jim Grant, Warehouse Manager NSW

**TO:** General Manager, Human Resources

**CC:** Gill Townsend, Director of Operations; Harry George, Director of Logistics and Procurement

**SUBJECT:** Advice Regarding Maintenance Supervisor

Today at 12:15pm an accident occurred on the warehouse floor involving two members of staff, both of whom have been taken to hospital. The extent of their injuries is not yet known.

It is alleged that the accident was caused by the negligence of Terry James, the Maintenance Supervisor, who was supposed to have placed a 'no operations' sign on a piece of equipment at 11:30am when smoke was seen to be coming from the equipment. Instead, it appears that Terry went to his normal two-hour lunch at the pub.

The maintenance supervisor has already been counselled about poor performance.

What action is appropriate in the circumstances?

I believe that this situation displays gross, serious and wilful misconduct, warranting summary dismissal. Two fellow employees are in hospital because of his wilful negligence and desire to get to the pub for lunch, ignoring all WHS policies and procedures.

Attached to this email is my record of counselling with the maintenance supervisor, and also my formal warning letter sent to him.

Thank you in advance for your advice,

Jim Grant

## Record of counselling

Diary entry of Jim Grant, Warehouse Manager NSW

Verbal warning 1, Friday 29 May

In the presence of Julia May, HR officer, and Terry James' nominated support person, I spoke to Terry James regarding his late return from lunch. I observed the maintenance supervisor (Terry James) depart for lunch at 11:50am and return at 2:00pm. I met the maintenance supervisor at the warehouse gate, informed him of my observation, requested a meeting with him at that time and informed him of his right to have a witness/support person (of his choice) present at the meeting. I invited the director of human resources to attend, who sent Julia May.

The meeting was held at 3:00pm in my office. I asked Terry whether there was any reason for him having over two hours for lunch that day. He stated, 'It's Friday and we always have a bit of a get together at the pub on a Friday.' I asked if there were any other reason(s) for his long lunch. He stated 'No.'

I asked the maintenance supervisor what arrangement he had made to have a long lunch. He stated, 'I didn't tell anyone.'

I asked Terry if he knew of John Readings' WH&S Policy and associated No Alcohol and Drugs in the Workplace Policy. He informed me, 'Yes, I am aware of them.'

I then informed Terry that I could smell alcohol on his breath. Julia May confirmed she could also smell alcohol on his breath.

I asked if he had been drinking alcohol over lunch, and he said, 'Yes, but just a couple.'

At that point I informed Terry that:

1. His taking a long lunch without permission was unacceptable. Permission must be asked for and given to absent oneself from the workplace,

2. As the maintenance supervisor, he is supposed to be a role model and leader, and exhibiting such behaviour sent the wrong message to all staff who observed him,
3. Taking a long lunch and drinking alcohol during work time is unacceptable and against policy, as well as being dangerous in the operation of machinery after lunch,
4. If any similar behaviour was observed by me or reported to me and found to be substantiated, then disciplinary action would follow,
5. I hoped that we could put this behind us and get on with the job.

Diary entry of Jim Grant, Warehouse Manager NSW

Verbal warning 2, Tuesday 18 June

In the presence of Julia May, HR officer, and Terry James' nominated support person, I spoke to Terry James regarding his late return from lunch. I observed the maintenance supervisor (Terry James) depart for lunch at 11:55am and return at 2:00pm. I met the maintenance supervisor at the warehouse gate, informed him of my observation, requested a meeting with him at that time and informed him of his right to have a witness/support person (of his choice) present at the meeting.

The meeting was held at 3:30pm in my office. I asked Terry whether there was any reason for him having over two hours for lunch that day. He stated, 'It's the apprentice's 18<sup>th</sup> birthday, and we thought we would take him over to the pub for lunch.'

I asked if he had been drinking alcohol. He stated, 'No. I have been drinking cola.'

I asked whether he could recall our discussion on 29 May and all that had been said. He stated, 'Yes, I remember, but I thought this was just a once-off and I guess I just lost track of the time.'

I reminded the maintenance supervisor of the organisation's Employee Assistance Program (EAP) and asked him to make an appointment with the counsellor. I informed him that my observations lead me to believe that he might benefit from a discussion with a trained

person regarding his alcohol use. He informed me that, 'That might be a good idea because lately I may have had one or two more than I usually have, at home however, not at work.'

I informed him again of all the points mentioned on the 29 May and stated that his behaviour was unacceptable. I informed him that his reason for ignoring our earlier counselling sessions was not acceptable and that I would be recommending that a formal written warning letter be issued to him.

I mentioned that I hoped the EAP would be worthwhile because presently things were not looking good for him.

### Formal warning letter

#### ABSENTEEISM - WARNING LETTER – SECOND WARNING

To: Terry James

On Tuesday 18 June at 3:30pm, you attended a meeting in my office regarding your unauthorised absence from the workplace on Tuesday 18 June. Attending that meeting with you (at your request) was the Union delegate.

You were asked to explain the circumstances of your having a long lunch between 11:55am and 2:00pm this day. You stated that you had the long lunch break as it was a co-worker's birthday and you wished to celebrate with him.

You will recall that on the 29 May, you were counselled and verbally warned regarding having a long lunch on that day. You are fully aware of John Readings' policies regarding absenteeism, WHS and alcohol at work.

In all the circumstances your explanation is not acceptable to management.

The organisation has policies on attendance and safety and expects all staff to keep regular hours, to work while they are here with due competence and care, and if they need to be absent from the workplace, to first ask for permission to leave.

This is the second occasion that management has had to bring to your attention this policy and the organisation's expectations regarding attendance at work. Should you infringe the policy again you must know that your continued employment by the organisation is in serious jeopardy. You may be dismissed if you continue to absent yourself from work and consume alcohol without cause and permission.

You are reminded of the appointment you wished to be made with John Readings Employee Assistance Program Counsellor.

If you have any questions, please feel free to contact me at any time.

Jim grant