

GUIDELINES FOR HOST EMPLOYERS

Purpose

These guidelines provide information on how you can work with AFL SportsReady to address trainee performance, conduct issues and terminations.

The Role of AFL SportsReady in Performance Management

As the legal employer, AFL SportsReady has a legal obligation to ensure performance management is undertaken in accordance with legal requirements. All formal performance management will be undertaken by AFL SportsReady with the engagement and involvement of the Host Employer.

Performance Issues or Trainee Inexperience?

This might be the first ever job that your trainee has undertaken, so it is important to have reasonable expectations of your trainee and the level they are at. As they learn, they will need your understanding and patience, and it may take a few months before they feel confident in the role. Issues around punctuality, attitude or mistakes are ordinarily able to be resolved informally by having a constructive conversation.

Do Trainees Have a Probationary Period?

Each AFL SportsReady trainee has a probationary period that can range from 30 days/one month to 90 days dependant on factors such as the duration of the traineeship, the training they are undertaking and/or the State in which the Training Contract is registered.

The probation period relevant to the traineeship is outlined in the training contract and letter of offer. The probation period is implemented from the start of the employment / placement with the Host Employer. This time is used to give the trainee and the Host Employer an opportunity to check if the role is suitable for both parties.

If performance issues are apparent during the probationary period, in consultation with the AFL SportsReady Employment Coach, it may be possible (with the trainee's agreement) to extend the probation period in line with the relevant State guidelines and standards.

If extending the probation period is not the preferred or viable option and termination is sought, please speak with your AFL SportsReady representative who will assist you in this process and outline any requirements specific to the State in which the Training Contract is registered.

For training contracts registered in South Australia, the standard probationary periods for both full-time and part-time apprenticeships and traineeships are as follows:

- For Training Contracts up to and including 24 months in duration, the probationary period is 60 days.
- For Training Contracts greater than 24 months in duration, the probationary period is 90 days.

What Do I Do If I Have Concerns with My Trainee's Performance?

Just let your Employment Coach know! Getting in touch early will enable us to work with you to help manage the problem and avoid any complications or legal issues down the track.

Keep notes or records of your concerns and when/how you have addressed these with the trainee and inform AFL SportsReady so that we can work with you on a performance management process for your trainee.

What is the Performance Management Process?

To ensure procedural fairness, AFL SportsReady follows a fairly structured performance management process in the event of performance or conduct issues with trainees. Please note that this process may not apply in the event of gross or serious misconduct. Gross or serious misconduct is one of the following:

- wilful or deliberate behaviour by a trainee that is inconsistent with the continuation of the placement contract;
- conduct that causes serious and imminent risk to the health and safety of a person, or the reputation, viability or profitability of your business;
- theft, fraud or assault;
- the trainee being intoxicated (alcohol or drugs, other than prescribed drugs) at work;
- the trainee refusing to carry out a lawful and reasonable instruction that is consistent with their role.

If you consider that the trainee has engaged in serious or gross misconduct, please contact your AFL SportsReady Employment Coach immediately and we will work with you to address this matter.

For all other performance or conduct concerns, the process is as follows:

1. Please advise your Employment Coach of your concerns with the trainee's performance or conduct as soon as possible, and provide examples of the problems that are occurring (e.g., dates the trainee is late to work etc).
2. Arrange a date with your Employment Coach to have a performance management meeting with the trainee. Your Employment Coach needs to attend this meeting.
3. One or two days before the performance management meeting, AFL SportsReady will provide an email or letter to your trainee (and advise them verbally) that they are required to attend a meeting to discuss their performance or conduct.

The trainee will be advised by AFL SportsReady of:

- a. The issues that will be discussed at the meeting;
 - b. That they have an opportunity to bring a support person to the meeting; and
 - c. Whether or not they are at risk of the termination of their employment.
4. At the performance management meeting:
- a. The trainee will be advised of the performance or conduct issues;
 - b. The trainee will be given an opportunity to respond to each issue;
 - c. You, your Employment Coach and the trainee will discuss the steps that need to be taken to address each issue (i.e., what the trainee is required to do, any additional assistance that can be provided to the trainee);
 - d. A date to review the trainee's progress will be agreed. This date will vary depending on the issues; however the trainee generally needs to be provided with the opportunity to improve. A review period of one month is generally appropriate.
5. After hearing the trainee/apprentice's responses to the concerns, AFL SportsReady will determine if a formal warning should be issued. Any written warning will be drafted and sent by AFL SportsReady. If the issue is particularly serious, then it may be suitable for the formal written warning in this first instance to be a "first and final warning".
6. It is critically important to keep the Employment Coach informed of the trainee/apprentice's progress after the performance management meeting in the lead up to the review meeting. If performance concerns still remain, then another meeting may need to be convened to discuss a further warning or potential termination with the trainee/apprentice.

What if There is No Improvement After the First Warning?

Depending on the issues, a second or third warning may be appropriate, following the process above. Alternatively, it may be appropriate to issue a second and final warning. Next steps should be discussed with your AFL SportsReady representative.

Every trainee should be given the chance to reach the standards required and be given a fair hearing. Ideally, unless a trainee is on probation, a trainee should have more than one warning before they are dismissed – however this is not a formal requirement and depends upon the circumstances involved and the performance issues in question.

Termination of the Traineeship

It is important that the trainee has advance notice of the fact that if their performance or conduct fails to improve, they may be terminated.

Excepting a probationary period or in circumstances of serious or gross misconduct, trainee/apprentice termination is only an option at the end of a performance management process where formal warnings have been issued and there has been no improvement.

A formal meeting (following a formal written letter in respect of the meeting issued by AFL SportsReady) would be convened in respect of a potential termination of employment.

If the decision is made to terminate the trainee/apprentice's employment and the traineeship/apprenticeship, AFL SportsReady will provide the trainee/apprentice with a formal letter advising of the termination.

For trainees located in South Australia, any termination must be by mutual agreement between the Trainee and/or Apprentice and the Host Employer unless ordered by the South Australian Employment Tribunal.

Trainee Entitlements in the Event of Termination

Trainees are entitled to 2 weeks' notice of the termination of their employment. You can require them to work out the 2 week notice period, or alternatively pay 2 weeks in lieu of notice. If the trainee has any annual leave owing, this must also be paid out upon termination.

In the event a trainee engages in serious misconduct, no notice is required and only any annual leave or accrued time off in lieu owed to the trainee must be paid out. However, it is important that in the event of serious misconduct the correct process is followed in order to ensure procedural fairness. Please speak with your Employment Coach who will assist you in this process.

When Performance Management is Not Appropriate

Performance management is not appropriate where it relates to any of the following:

- if a trainee is temporarily absent from work because of a genuine illness or injury;
- if is being absent from work during maternity leave or other parental leave;
- if a trainee is temporarily absent from work to engage in a voluntary emergency management activity;
- if a trainee has filed a complaint, or is participating in proceedings to assert a workplace right;
- the trainee's gender
- the trainee's race
- the trainee's background
- the trainee's sexual preference
- a physical or mental disability of the trainee
- the trainee's marital status
- the family or carer responsibilities of the trainee
- a pregnancy of the trainee or their partner
- the trainee's religion;
- the political opinion of the trainee; or
- industrial activity participated in by the trainee.

Further Information

If you would like to discuss any performance management matters, please contact your AFL SportsReady representative or email pc.help@aflsportsready.com.au