



"My business grows by referrals. I would appreciate it if you would let me know if you have any colleagues, clients or associates who could benefit from my skill-set."
I also would greatly appreciate if you could pass this newsletter on to your business contacts. Thank you.

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Stealing time valid reason for dismissal (& public safety considerations)

Ranjeeta (Liz) Kaur v Metro Trains Melbourne. [2016] FWC 5811. (U2016/6590). WATSON, VP, 18 AUGUST 2016.

The practice of clocking on and/or off for other employees has been consistently been viewed as serious misconduct by most employers. The matter is the first I have come across (in recent times) that has been the subject of arbitration.

In the view of the VP:

"Although it might be the utilisation of recently developed technology, the notion of payment being associated with clocking on or clocking off and recording of time of attendance is a longstanding workplace practice, and it is clear that whatever mechanisms are used to record attendance at work that there is an obligation to utilise those mechanisms accurately. In the absence of doing so, there is the potential for people to claim payment for time of non-attendance and it appears that that occurred in this case, and it was also facilitated in relation to other employees by Ms Kaur's use of Mr Barclay's roster-on card in particular. I regard the conduct, which has been admitted, and was found by the employer during the investigation to be a serious matter, as constituting a valid reason for the dismissal.

"There are further implications of leaving the workplace before the end of a shift and attending late when people are rostered on, and these are matters also of some significance in my view, in the light of the important public function of Metro Trains and its obligations in relation to safety of the public and the service of the public interest".

The VP concluded:

"The breach of conduct and breach of policies are not insignificant matters and they go to the heart of trust in an employment relationship and proper adherence to company policies...I consider that the requirements in this regard are very straight forward and very common workplace requirements. There could be no legitimate excuse for believing that the conduct in question should be tolerated or accepted in some way, or that there is no knowledge that the conduct could lead to serious disciplinary action".

Asleep on the job leads to valid dismissal

Ms Lynne Bennett v ISS Security Pty Ltd T/A ISS Facility Services [2016] FWC 5386. (U2016/6135). RICHARDS, SDP, 18 AUGUST 2016.

The applicant in this matter was a security guard at the Gold Coast Airport, and was dismissed for abandonment of her post without permission on three separate occasions.

The applicant claimed that she suffered severe headaches and needed a dark, quiet room to allow the Panadol to take effect.

However, she falsified the security log of her whereabouts, and did not advise her leading hand.

The SDP found:

"In my view, the employer had a valid reason for Ms Bennett's dismissal; it has lost trust in Ms Bennett to perform her duties to full effect in an unsupervised environment".

Are you missing out on \$10,000 when hiring?

Mature-age workers have built up knowledge and skills during their time in the workforce, and using these skills in workplace mentoring programmes can reduce staff turnover, train other employees and increase staff morale. Mature-age workers can save your business money on absenteeism, training and recruitment.

On top of these benefits, your business may be entitled to a \$10,000 for hiring a person over 50 years of age. For further information, go to:

<https://www.employment.gov.au/restart-help-employ-mature-workers-0>

PS: I qualify ☺

Until next time...

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