Workplace Conduct

The recent case that is going to be talked about here is going to be contemplating upon how the breach of the workplace conduct policy is witnessed and how this whole thing can be used to make sure that the justification of the dismissal can be carried out. The other thing that it does is that it makes it all the more clear that how if there is a case that if someone has a work record that does not have a bad merit would not necessarily warrant that they are going to be getting a free pass in terms of how their issues of misconduct are going to be looked after.

 The findings that are carried out by FWC are going to be very important when it comes to the determination of how this case is supposed to work. The gravity of the breaches that are being made by Mr. Gigney and how they had completed the training on the conduct policy about 12 months earlier is one of the biggest issues that is needed to be kept in mind during the whole issue. The main conclusion that has been made by FWC in this case is that how the fundamental breach of the policy has happened in this case and there exists a pretty valid reason for the dismissal of the subject. The other major thing that is needed to be looked at here is that how the legislative requirements are going to be worked out in the given case. What can be seen here is that how the conduct that is being carried out by the Mr. Gigney in this case goes to show that how the trivial misdemeanor is going to be treated here at the first place. Not only that, the other argument that is being made here is that how Mr Gigney in the following case is protected from the unfair dismissal.

 The other major thing that is needed to be kept in mind is that how the determination about the dismissal of Mr Gigney is going to be made. Looking at the evidences, it is quite important to determine whether the dismissal of Mr Gigney was based on the right grounds or there were harsh words and unjust treatment being meted out to the people at the given point of time with regards to the way overall treatment was supposed to be carried out. Looking closely at the FWC regulations, the Section 387 (a) signifies that if there is a misconduct, then there it is quite important for the commission to make sure that they are determining the whole thing on the equivocal grounds. Not only that, it is quite pertinent to make sure that the evidence must be there in terms of the way basis of these rulings are supposed to be carried out. The idea is to make sure that how the conduct is supposed to be occurring at the first place. So, all these things are needed to be kept in mind here. As is the case with most of the legal cases, the precedence tends to be playing an important role as far as the ruling is supposed to be spelled out in the given case. The idea is to make sure that the due consideration has to be made for the findings and the reasons are supposed to be there in terms of the decision that are supposed to be made under the 170CG (3) of the *Workplace Relations Act 1996*(WR Act). Not only that, the 170CG (3) by nature is quite similar in terms of the way 387 exception is supposed to be working out. The only case is the instance when the due consideration is needed to be found in the legislation. Not only that, the valid reason for the dismissal requires immediate attention where the relevant conduct upon which the dismissal is found out is needed to be proceeded and the right assessment is needed to be made in terms of how the sufficient gravity and the seriousness of the case is going to be determined at the given point of time.

 Here, the strong argument can be made that how there was lack of judgement being showed on the part of Mr Gigney in terms of how the physical confrontation panned out. None of the actions or the words that were necessary in the given case and the justification for the physical altercation does not seem to be valid in the given case here. Not only that, these things are not excused in the workplace culture as well. There are many breaches of the various provisions that are witnessed in the conduct policy at the given point of time. Specially if one talks about how Mr Gigney ruled out the whole altercation in the whole case. For instance, there was breach of the clause 3.2 of the Conduct Policy that talked about the fact that the clear responsibility for the actions is needed to be taken. In this case, the compliance was not made with the Conduct Policy and how the treatment of Mr Alves with respect to the failed act and thus subsequently going against the interest of the Qantas and its stakeholders. The breach of the clause 4.1 was also carried out that the respectful treatment was not being meted out to the client and the fair treatment was not being there during the whole conduct. The threats were also being made that breached the clause 15 of the workplace policy as it is mentioned that any intimidation or intent of the act of violence is something that is not going to be welcomed at the workplace. The discrimination in all the cases is needed to bed as well as it goes against the ethos of the workplace conduct that was formulated by the overall stakeholders at the given point of time. The breach of the clause 15.9 was also carried out in terms of the way damage was being carried out to the Qantas property in the given point of time. During the whole case, the conduct that was meted out to Mr Gigney in the whole case was such that the breach of the clause 9.2 was also being made.

 The way this whole case has worked out, there are many takeaways in terms of the way determination of the employee conduct is going to be witnessed at the workplace at the point of time. This goes a long way towards making sure that the people tend to show more responsibility for their actions at the workplace. The FWC considered numerous allegations of misconduct and found that many of the claims against the employee were substantiated. Instances which were more serious in nature included where the employee forcefully grabbed a colleague by his shirt and shoved him up against a locker because the co-worker failed to respond verbally to his greeting. The employee was frustrated when the co-worker instead replied with a “thumbs up”. The FWC also considered another altercation which occurred in the lunch room, where the co-worker was fiddling with some coins on the table. The employee aggressively said, ‘stop spinning that fucking coin’, and then got up and pushed the table into his co-worker’s body.

References

Chapman, A. and Kelly, K., 2016. Australian anti-vilification law: A discussion of the public/private divide and the work relations context. *Sydney L. Rev.*, *27*, p.203.

Haines, K., Park, M. and John, T., 2016. *Workplace death and serious injury: a snapshot of legislative developments in Australia and overseas*. Department of Parliamentary Services.

Innes, E. and Straker, L., 2018. Workplace assessments and functional capacity evaluations: current practices of therapists in Australia. *Work*, *18*(1), pp.51-66.

Kieseker, R. and Marchant, T., 2017. Workplace bullying in Australia: A review of current conceptualisations and existing research. *Australian Journal of Management and Organisational Behaviour*, *2*(5), pp.61-75.

McCallum, R.C. and McCarry, G., 2016. Worker Privacy in Australia. *Comp. Lab. LJ*, *17*, p.13.

Quinlan, M. and Rimmer, M., 2018. Workplace Industrial Relations Reform and Legislative Change: Hancock, Hanger, Niland & The Business Council of Australia. *Labour & Industry: a journal of the social and economic relations of work*, *2*(3), pp.434-452.

Squelch, J. and Guthrie, R., 2017. The Australian legal framework for workplace bullying. *Comp. Lab. L. & Pol'y J.*, *32*, p.15.

Stojanova, N., 2014. The regulation of workplace bullying in Victoria: is legislation required?. *Labour & Industry: a journal of the social and economic relations of work*, *24*(2), pp.146-160.