MISCONDUCT/SERIOUS MISCONDUCT POLICY

XPower is committed to, as far as is reasonably practicable, providing all employees with a healthy and safe work environment and therefore, misconduct or serious misconduct will not be tolerated at anytime while representing XPower.

Disciplinary action will be taken as a result of misconduct and serious misconduct. Examples of misconduct may include, but is not limited to the following:

- Negligence while performing key tasks/requirements
- Misbehaviour/Inappropriate behaviour
- Breaching XPower's policies, procedures and guidelines
- Criminal offence
- Theft, fraud or assault
- Willful damage to the employer's or another employee's goods
- Breach of confidence or trust
- Aggressiveness and/or physical violence
- Refusal of a reasonable and lawful instruction when warned such action may be regarded as serious misconduct and result in termination without notice
- Conduct that causes imminent and serious risk to:
  - The health and safety of a person (for example being under the influence of alcohol or illegal drugs at work
  - The reputation, viability or profitability of the company
- Loss of licence or qualifications

When misconduct is reported, it will be seen as a serious matter and will be investigated in a timely manner. A formal investigation will be undertaken and disciplinary action will result.

Investigations need to be immediate, thorough, meticulously fair and unbiased. Employees will be encouraged to have a support person/representative present during formal investigations.

Disciplinary action taken may vary in each individual case, dependent on all circumstances, employee's responses and whether the employee has previously received any prior counseling and/or non-conformances. This action may result in termination without notice or compensation. XPower will ensure that the termination is fair, and not harsh or unjust.

Signed:_____

Director

Date: _____