

POLICY – EM 02	Disciplinary Process	REVIEW DATE:	2008
AUTHORISED BY:	CEO / Managing Director	NEXT REVIEW:	2009

1.0 Purpose

The purpose of the disciplinary process is to assist employees to overcome identified problems in regard to their work performance or conduct, and provide a structured opportunity for the employee and their Supervisor/Manager to improve the individual's work performance.

While most issues will be appropriately addressed on a day to day basis or at the performance appraisal level, without having to follow the formal disciplinary process, there will be occasion when the disciplinary process will be required.

2.0 Scope

This policy applies to all full-time, part-time, casual and temporary employees.

3.0 Definitions

Performance – to carry out a job of work consistent with agreed standards of quality, quantity and behaviour.

Serious Misconduct – serious misconduct is assessed by taking into account the effect of the conduct on the safety and well-being of clients, employees, business, and property; breaches of legislation, industrial instruments, or policies; and the knowledge, skill, motivation and state of mind of the employee at the time of the incident/s.

Summary Dismissal – dismissal without notice. Summary dismissal is used under exceptional circumstances and only where the behaviour is considered to be serious misconduct.

4.0 Legislative References

Workplace Relations Act 1996

5.0 Disciplinary Policy

5.1 Principles

The principles of the Disciplinary Policy are:

- Fair and equitable treatment for those involved in the disciplinary process;
- Understanding and agreement between the Supervisor / Manager and the employee of expectations regarding employee behaviour and performance;
- Prompt application of "due process" for resolving performance and behaviour problems;
- Discipline is used in a constructive way so as to provide an opportunity for improvement of performance or behaviour;
- Compliance with legislative requirements; and
- Open communication and consultation with all stakeholders involved.

5.2 Policy

- Supervisors / Managers will address poor performance, misconduct or work behaviour problems in a prompt and impartial manner;

- All relevant facts will be gathered before reaching a conclusion on the appropriate action to be taken;
- Factors to be considered in the process will include:
 - the seriousness and implications of the work behaviour or poor performance;
 - the employee's explanation of their conduct;
 - the employee's past work record; and
 - any previous disciplinary action undertaken.
- The stages of the Disciplinary Process will be:

Stage 1 - Investigation;

Stage 2 - Performance Improvement Action;

Stage 3 - Disciplinary Response.

Stage 1 – Investigation

The Supervisor / Manager identifies the performance issue or work behaviour requiring attention. This may be through observation, another employee bringing a situation to their attention, or an incident occurring.

An investigation of the alleged conduct should occur. If the performance, behaviour or misconduct is not of a serious nature, the Supervisor / Manager may choose to counsel the employee.

If the performance, behaviour or misconduct is of a serious nature or a repeated behaviour following previous counselling, the Supervisor / Manager may choose to progress with the disciplinary process (stage 3).

It is important to note, that there is no requirement to follow all of the stages in the process, depending on the severity of the issue / incident.

Stage 2 – Performance Improvement Action

The Supervisor / Manager and employee have an informal discussion, including causes of the problem and possible solutions.

The meeting should be held in a private area. At the conclusion of the discussion, the Supervisor / Manager and employee will agree on a Performance Improvement Action Plan. The Action Plan should consider possible solutions to the problem and for example may include:

- training and development;
- mentoring;
- improvements to systems or procedures;
- changes to work environment, job design or equipment.

The Action Plan should include timeframes for performance to improve and be reassessed.

The Supervisor / Manager should document the Action Plan and provide a copy to the employee. Another copy should be kept on the employee's personnel file.

If the employee's performance does not meet the expressed action within the agreed timeframe, further disciplinary action may be taken.

Stage 3 - Disciplinary Response

Where performance or conduct has not improved and where the behaviour in cases of serious misconduct, a disciplinary meeting may be necessary.

The Supervisor / Manager must consult with the next senior manager prior to taking formal disciplinary action.

The following process will be followed:

1. Provide the employee with a written Notice of Meeting Letter. The employee should be provided with 48 hours notice of the meeting. The letter should include:
 - the purpose of the meeting
 - the opportunity to have a support person attend the meeting
 - outline of the allegations
 - meeting time and venue
 - meeting attendance
 - possible consequences.
2. The Supervisor / Manager should organise to meet with the employee in private.
3. The Supervisor / Manager must provide an outline the allegations to the employee, providing specific examples.
4. Allow the employee the opportunity to respond. Consider that response and provide further questioning if necessary.
5. Upon consideration of the employee's response, a decision must be made in terms of disciplinary action. This may include, depending on the severity of the issue:
 - Action Planning
 - Formal Warnings
 - First and Final Warning
 - Termination of Employment

A written record of the meeting will be taken by the Supervisor / Manager and kept on the employee's personnel file. In terminating employment, the employee will be provided notice in accordance with the relevant Award / Workplace Agreement. Payment in lieu of notice may be made.

6.0 Related Policies and Documentation

Performance Improvement Action Plan
Performance Review and Development
Sexual Harassment, Discrimination and Workplace Harassment
Grievance Dispute Procedure
Electronic Mail & Internet Usage
Code of Conduct