

POLICY NO LG19 DISCIPLINARY POLICY

DEPARTMENT:	Human Resources
RESPONSIBLE OFFICER:	Manager Human Resources
LINK TO STRATEGIC PLAN:	Promote Council as Employer of Choice
STATUTORY AUTHORITY:	Fair Work Act 2009
OBJECTIVE:	To establish clear guidelines for managing performance issues and inappropriate behaviour in the workplace. This disciplinary policy is within the context of an organisation that seeks to perform at the highest levels with all employees working in accordance with 'Our Values'.
POLICY INFORMATION:	Adopted 19 March 2012 – Minute No 03/12.15.4.069 Amended 15 September 2014 - Minute No 09/14.15.5.286 Amended 20 May 2019 – Minute No 05/19.16.7.122

POLICY

1. RESPONSIBILITIES

It is the responsibility of all Managers, Coordinators and the General Manager to ensure that this policy is adhered to.

2. INTRODUCTION

The purpose of this policy is to ensure the safe and effective operation of the organisation in accordance with 'Our Values'. Break O'Day Council aims to ensure that there will be a fair and systematic approach to the enforcement of acceptable standards of behaviour, work performance and conduct affecting all employees within the organisation.

The policy has the objective of maintaining and enhancing the behaviour, work performance and conduct of all employees and ensuring that acceptable standards are achieved; and established policies and procedures are adhered to. The policy is designed to encourage a problem solving approach to managing employee behaviour, work performance and conduct with an emphasis on greater individual responsibility.

Behavioural change is a more positive outcome than termination; however summary dismissal may still occur without notice if it is established, after investigation and hearing the employee's version of the matter, that there has been an act of gross misconduct, major breach of duty; or conduct that brings Break O'Day Council into disrepute.

PLEASE NOTE Council reserves the right to terminate an employee that has not completed their probationary period in accordance with the provisions of the *Fair Work Act 2009* without following any disciplinary action as contained in this policy.

3. GUIDING PRINCIPLES

The principles of natural justice and procedural fairness apply to this policy:

- Individuals must be made aware of the process to be followed in managing inappropriate behaviour, work performance and conduct.
- Individuals should have the opportunity to have representation.
- There must be a proper investigation of the allegation(s), ensuring that all parties are heard and that all relevant submissions are considered.
- Individuals must be given the opportunity to state their case, provide an explanation or put forward a defence.
- Individuals must be made aware of the potential consequences of inappropriate behaviour, work performance and conduct.
- The General Manager as decision-maker, must act fairly, impartially and without bias.

4. COUNCIL'S RIGHTS AND RESPONSIBILITIES

All conversations that deal with behaviour, attitude and/or performance should be treated as counselling sessions and should be dealt with in accordance to this policy. The objective of any counselling session should be to resolve the issue(s) by identifying options and determining courses of agreed action. Behavioural change is a more positive outcome than termination. Managers and Coordinators have a responsibility to:

- Ensure proceedings are not delayed and address issue(s) promptly.
- Confirm the employee is aware of and understands the required standard(s).
- Provide opportunity for the employee to have representation/support.
- Counsel in private (representatives and stakeholders as necessary).
- Collect and deal with objective evidence and facts, not subjective judgements.
- Seek to understand the employee's views.
- Involve the employee in determining options and solutions as much as possible
- Ensure that a reasonable/appropriate period/method for demonstration of change of behaviour/performance is specified and agreed to.
- Confirm the employee understands what proposed action(s) are likely to occur if unacceptable performance/behaviour continues.
- Follow up on all proposed action(s).

5. EMPLOYEE'S RIGHTS AND RESPONSIBILITIES

- To a properly conducted and prompt investigation into alleged behaviour, work performance and conduct.
- Have the opportunity and sufficient notice, to respond to the allegation(s)
- To co-operate fully, truthfully and openly in any proceedings under this policy.
- To request the presence of a support person or the involvement of their union at any stage.

6. SHOW CAUSE NOTICE

If behaviour, work performance and conduct does not improve after a warning has been issued, or specific behaviour or new breaches continue to occur, a show cause notice as to why Council should not impose disciplinary action up to and including termination of the employee's employment, will be issued. The employee will be given not less than 5 working days to respond either in writing or verbally in a meeting scheduled with the General Manager. The show cause notice will outline the specific allegations that the employee will be responding to, and reiterate the employee's rights and obligations.

7. MONITORING AND REVIEW

This Policy will be reviewed every three (3) years in line with the Council's Policy Framework or earlier in the event of major changes to legislation or related policies, procedures or if deemed necessary by the General Manager.

THE REMAINDER OF THIS POLICY HAS BEEN SEPERATED OUT TO BECOME A PROCEDURE