

Counselling & Disciplinary procedures

Purpose

The procedure outlines the steps and process for dealing with unsatisfactory performance or misconduct for all employees except for employees serving a period of probation.

Where an Industrial Instrument or contract of employment provides for specific processes regarding counselling and/or disciplinary action, those processes must be followed.

1. Procedure

This procedure recognises four levels of disciplinary process which should be undertaken by immediate Manager in consultation with the General Manager, Field Manager and Executive Director.

- Counselling; and/or
- Formal warning; and/or
- Final Warning; and/or
- Dismissal.

The nature of the behavior and/or incident(s) may determine which level of disciplinary procedure will apply in any individual situation.

Disciplinary action pursuant to this procedure may be educational in the first instance.

Satisfactory resources should be applied to investigation of matters pertaining to this procedure. Under this procedure, employees may be suspended on full pay whilst any necessary investigation is conducted.

Disciplinary action may be taken against employees in accordance with this procedure for reasons which include but are not limited to failure to comply with the requirements of the *Work Health and Safety Act 2011*.

1.1. Counselling

In all instances, advice from the Human Resources Manager is to be obtained prior to counselling an employee. The Human Resources Manager is responsible for drafting any relevant letters or correspondence that need to be issued to the Employee.

The intention of the counselling process is to discuss with the employee:

- The standards of work performance, or behavior(s) required;
- where they are not meeting the required standard(s); and
- to ascertain whether there are any requirements for additional training or other resources in order so the employee can understand the required standards.

A formal record of the counselling process need not be made; however, a file note should be placed on the employee's file held with Human Resources.

1.2. Formal Warning

In all instances, advice from the Human Resources Manager is to be obtained prior to issuing a formal warning to an employee. The Human Resources Manager is responsible for drafting any relevant letters or correspondence that need to be issued to the Employee.

A Formal Warning is issued in circumstances where one or more counselling sessions have failed to modify the work performance or behavioral standards required; or as a first step in the disciplinary process where the lapse in performance or behavioral standard is deemed by Pandanus to require a Formal Warning.

Where a Formal Warning is deemed appropriate:

1. The employee should be advised that the disciplinary process has commenced and that the process may result in disciplinary action up to and including dismissal; and
2. The employee should be provided with a copy of this Procedure and advised that they are entitled to be accompanied by a support person.

Communication with the Employee should:

1. Explicitly and clearly identify what work performance or behavioral standard is unacceptable, and specify what the required standard is;
2. Discuss the employees disciplinary action record to date and outcomes of any previous counselling sessions and/or formal warnings (if applicable);
3. Allow the employee opportunity to respond to the alleged unacceptable performance and/or behavior(s); and
4. Ascertain whether there are any requirements for additional training or other resources in order so the employee can understand the required standards.

At this stage, the immediate Manager, in consultation with the General Manager and Director may elect to issue a Formal Warning, issue a Final Warning, revert to a Counselling session, abort the process or if serious enough, go to Step 4.4. In any event, a file note should be placed on the employee's record.

The Formal Warning should be recorded in writing and signed by the Human Resources Manager. The employee should be asked to sign the Record. If the employee refuses to do so, this should be noted on the Record. A copy of the Record should be issued to the employee

A formal record of the counselling process need not be made; however, a file note should be placed on the employee's file held by the Human Resources Manager.

1.3. Final Warning

The Immediate Manager, in consultation with the Human Resources Manager to obtain advice prior to issuing a final warning to an employee. The Human Resources Manager is responsible for drafting any relevant letters or correspondence that need to be issued to the Employee.

A Final Warning may be issued in circumstances where one or more Formal Warnings have failed to modify the work performance or behavioral standards as required; or as a first step in the disciplinary process where the lapse in performance or behavioral standard is of an extremely serious nature.

Where Final Warning may be appropriate:

1. The employee should be advised that the disciplinary procedure has commenced and that the process may result in dismissal;
2. The employee should be provided with a copy of this Procedure and advised that they are entitled to be accompanied by a support person.

Communication with the Employee should:

1. Explicitly and clearly identify what work performance or behavioral standard is unacceptable, and specify what the required standard is;
2. Discuss the employee's disciplinary action record to date and outcomes of any previous counselling sessions and/or formal warnings (if applicable);
3. Allow the employee the opportunity to respond to the alleged unacceptable performance and/or behavior(s); and
4. Ascertain whether there are any requirements for additional training or other resources in order so the employee can understand and comply with the required standards.

In order that a decision to issue a Final Warning to an employee can be made, it may be appropriate for a detailed investigation to be carried out. In order to facilitate such an investigation, it may be appropriate for the employee concerned to be suspended without loss of normal pay and conditions for the duration of all or some of the investigative process.

At this stage, the immediate Manager, in consultation with the Human Resources Manager may elect to issue a Final Warning, revert to a Counselling session, abort the process or if serious enough, go to Step 4.4. In any event, a file note should be placed on the employee's record.

The Final Warning should be recorded in writing by the Human Resources Manager. The employee should be asked to sign the Record. If the employee refuses to do so, this should be noted on the Record. A copy of the Record should be made available to the employee.

The employee is to receive written confirmation from the Human Resources Manager that a Final Warning has been issued.

1.4. Dismissal

Where dismissal is considered appropriate, specific authority from the Human Resources Manager is required before termination can proceed. The Human Resources Manager is responsible for drafting any relevant letters or correspondence that need to be issued to the Employee.

A detailed investigation and a review of the employee's disciplinary record should be conducted in instances where dismissal is considered. In order to facilitate such an investigation, it may be appropriate for the employee concerned to be suspended without loss of normal pay and conditions for the duration of some or all of the investigation process.

An employee may be dismissed in circumstances where:

1. Warnings have failed to modify the work performance or behavioral standard(s); and
2. As the first and final step in the disciplinary procedure where a lapse in performance or behavioral standard is of such severity as to warrant dismissal, such as serious misconduct.

Where dismissal may be appropriate:

1. The employee should be advised that the disciplinary procedure has commenced and that the process may result in dismissal; and
2. The employee should be provided with a copy of this Procedure and advised that they are entitled to be accompanied by a support person.

Communication with the Employee should:

1. Explicitly and clearly identify what work performance or behavioral standard is unacceptable, and specify what the required standard is;
2. Discuss the employee's disciplinary action record to date and outcomes of any previous counselling sessions and/or formal warnings; and
3. Allow the employee the opportunity to respond to the alleged unacceptable performance and/or behavior(s).

The employee is to receive a letter confirming that he/she has been dismissed from the Human Resources Manager.

If the employee is to be subject to immediate dismissal, there is no requirement for any notice period to apply. In all other circumstances, the appropriate pay in lieu of notice should be paid to the employee.