



ALL SERVICES

DISCIPLINE PROCEDURE - STAFF

Purpose

This procedure is designed to ensure that all staff are aware of and understand their rights and responsibilities relating to discipline.

It is designed to help and encourage all employees to achieve and maintain standards of conduct, attendance and job performance. It aims to facilitate satisfactory standards of conduct and performance, to encourage improvements where appropriate and to ensure that cases of alleged misconduct, unacceptable performance or other acts are dealt with consistently and fairly and within a reasonable timescale.

The objective of any disciplinary action is to:

- protect clients;
- protect other staff/volunteers;
- protect the standing of Wesley Mission Victoria (Wesley);
- remedy the conduct or unacceptable performance whilst ensuring consistent and fair treatment for all.

Scope

This procedure shall apply to all employees of Wesley unless elsewhere specified in a Federal award.

Policy

- Policy 4 Commitment to Employees
- Policy 3 A Fair Go for Everyone – Diversity in the Workplace
- Policy 8 Compliance

References

- Fair Work Act 2009
- AS/NZS ISO 9001:2008
- Equal Opportunity Act (Vic) 2010

Procedure

1 General

This procedure is based on the following principles:

- **Procedural fairness:** employees will be given an opportunity to respond to allegations which are the subject of a discipline investigation and where applicable, any disciplinary action that is being considered. Reasonable inquiries or investigations will be made prior to a decision.



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- **Timeliness:** the disciplinary process shall be undertaken without undue delay. It is in everyone's interest to have the matter resolved in a timely and expeditious fashion.
- **Confidentiality:** information relating to a disciplinary process must be handled with sensitivity and in confidence to maintain the integrity of the process and the privacy rights of every person involved. Employees involved in a discipline matter, including those who are interviewed about an alleged breach of discipline, must maintain confidentiality about the interview and the case.
- **Each case decided on its own merit:** while the disciplinary process will be applied in a consistent manner, the same misconduct or serious offence conviction will not always lead to the same outcome or disciplinary action. The circumstances of each case may be different and the relevance of the matter to the employee's position may differ.
- **Appropriate action:** the disciplinary action taken will depend on the severity of the unacceptable behaviour.

2 The Informal Stage

The Manager and staff member will attempt to resolve any difficulties through a counselling process including co-operation, constructive feedback setting of appropriate performance/behaviour standards and assistance with specific training and development programs where appropriate.

The staff member will be informed of the possible implications of continued unsatisfactory behaviour or performance, be advised that he/she is being counselled under these procedures, and be given an opportunity to respond to the issues raised.

3 The Formal Stage - Disciplinary Meetings

3.1 Where the informal counselling process has not reached a successful outcome or due to the serious nature of the issue the Manager will undertake formal disciplinary meetings. **Managers and/or Supervisors must consult with People and Culture for advice and completion of the required disciplinary documentation prior to any disciplinary meetings being conducted.** This ensures that procedural fairness and natural justice principles are complied with.

3.2 Managers shall arrange disciplinary meetings by:

- nominating a witness on behalf of Wesley to attend the meeting;
- providing the employee in writing of the reason for the meeting, time and location of the meeting and that they are encouraged to bring a support person if desired. *As far as practicable this letter could be hand delivered by the Manager, with a brief explanation of its purpose;*
- providing adequate notice to the employee of the impending meeting, taking into account their roster commitments;
- conducting the meeting with care and sensitivity;
- completing file notes of the meeting for Wesley's records and
- confirming the outcome in writing to the employee within 5 days of the meeting.

4 Warning Procedure



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- 4.1 If the behaviour is other than serious and wilful misconduct the standard warning procedure should be used. The organisation reserves the right to enter the procedure at any level depending on the seriousness of the issue. Escalation decisions must be made in consultation with the People & Culture.
- 4.2 A warning procedure is aimed at resolving the problem by:
- ensuring that the employee knows what the problem/issues are;
 - communicating what the Manager's expectations are in regards to the employees behaviour and/or work standards;
 - providing appropriate corrective actions, such as training or counselling;
 - providing a fair and just process to terminate employment if the employee does not respond appropriately to the warnings.
- 4.3 It is designed to be fair to both the employer and the employee in an environment where actions can often be misinterpreted.
- 4.4 An employee must be given the opportunity to provide an explanation for their poor conduct/performance and given the opportunity to respond.
- 4.5 Throughout the process the Manager should perform a counselling role and express the hope that further disciplinary situations do not occur.
- 4.6 At all stages a third person shall be present as a witness for the employer.
- 4.7 Written warning letters should be prepared in consultation with People & Culture and should contain the following:
- The date and location of the discipline meeting and identify those in attendance
 - Outline the performance or conduct which prompted the meeting
 - After consideration of the response from the employee the decision of the employer
 - Actions as to how the employer and employee can support the employee in improving their performance/conduct
 - Specify a timetable in which the employee is to achieve the standard
 - Space for the employee to sign the letter in acknowledgement of the warning
- 5 First (Verbal) Warning**
- 5.1 If the Manager is dissatisfied with the employee's work performance/conduct the Manager shall arrange a meeting as per 3.3.2.
- 5.2 The Manager shall discuss the concerns, outline the problem, and provide details of the organisation's requirements. Opportunities for ways to support and improve performance/conduct will be identified. The employee will be provided with adequate time to respond to the issue/s raised.
- 5.3 If the Manager is not satisfied with the employee's responses and it is a first offence or concern over a recurring pattern or problem, the Manager shall issue a First Verbal Warning.



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5.4 The Manager will advise the employee that a further recurrence of such problems will lead to further written warnings and could ultimately lead to termination of employment.

5.6 The manager shall:

- complete a Verbal Warning Record Form P&C F 11 in consultation with People & Culture
- provide a copy to the employee;
- send a copy to People & Culture to be placed on the employee's personal file.

6 Second (First Written) Warning

6.1 If there is not satisfactory improvement, the Manager will arrange a meeting with the employee as per 3.2.

6.2 The Manager will discuss the concerns, outline the unacceptable behaviour and/or issue, and outline the seriousness of the matter. The employee will be provided with adequate time to respond to the issues raised. Opportunities for ways to support and improve performance/conduct will be identified. If appropriate, advise that a further incident or failure to improve performance will result in a further warning which may lead to termination of employment.

6.3 If the Manager is not satisfied by the employee's response, the Manager shall issue a second (first written) warning.

6.4 The employee will be issued with a copy of the letter from People & Culture, confirming the details of the warning within 5 days of the meeting, which they are asked to sign and return.

6.5 The Manager shall:

- complete a warning letter in consultation with People & Culture
- provide a copy to the employee and obtain their signature;
- send a signed copy to People & Culture to be placed on the employee's personal file.

7 Third and Final Written Warning

7.1 If there has not been satisfactory improvement the Manager will arrange a meeting, as per 3.2.

7.2 The Manager will discuss the concerns, outline the unacceptable behaviour and/or issue and outline the seriousness of the matter. The employee will be provided with adequate time to respond to the issues raised. Opportunities for ways to support and improve performance will be identified. If appropriate, indicate that a further incidence or failure to improve performance will result in the termination of employment.

7.3 If the Manager is not satisfied with the employee's response the Manager shall issue a third and Final written warning.



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- 7.4 The employee will be issued with a letter confirming the details of the warning within 5 days of the meeting which they will be asked to sign and return.
- 7.5 The manager shall in conjunction with People & Culture:
- ensure the letter of termination is completed by People & Culture
 - provide a copy to the employee and obtain their signature;
 - send a signed copy to People & Culture to be placed on the employee's personal file.
- 7.6 Managers must seek advice from the General Manager People & Culture Manager if the offence is serious enough to warrant a first and final warning simultaneously.
- 8 Fourth offence or not satisfactory improvement - Dismissal**
- 8.1 The Manager will arrange a meeting, in writing, as per 3.2. A representative from People & Culture must be present at all termination meetings.
- 8.2 The Manager will discuss the concerns, outline the unacceptable behaviour and/or issue, and outline the seriousness of the matter. The employee will be provided with adequate time to respond to the issue's raised.
- 8.3 If the Manager is satisfied that there is no adequate response, dismissal follows. No Manager is authorised to dismiss staff without first seeking approval of the CEO, via People & Culture.
- 8.4 The employee shall be issued with a letter of termination which must be issued to the employee on the day of termination.
- 8.5 The Manager shall:
- ensure the letter of termination is completed by People & Culture
 - provide a copy to the employee on the day of termination;
 - send a copy to People & Culture to be placed on the employee's personal file.
 - Complete an Employment Termination Advice Form P&C F 05 and forward to the People & Culture Department for processing.
- 9 Summary Dismissal**
- 9.1 None of the above disciplinary procedures shall prohibit action for summary dismissal where circumstances are severe enough to warrant such action.
- 9.2 Examples of conduct which may lead to summary dismissal include but are not limited to:
- a serious breach of the employee's duty of care to a client of Wesley, including but not limited to a failure to dispense medication as prescribed or physical or verbal abuse of a client;
 - leaving the place of work during working hours without the employer's permission;
 - falsification of records or making untrue statements;



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- unauthorised possession of property or money belonging to Wesley, clients or other employees without permission or authority;
- accepting substantial gifts from clients of Wesley;
- verbal or physical abuse of other employees, volunteers, or other persons legitimately on Wesley premises;
- being under the influence of alcohol or an illegal substance while at work;
- a serious breach of the employee's duty of confidentiality to Wesley or to a client;
- wilful damage to property in the possession of Wesley;
- refusal to obey a reasonable and lawful command of the employer.

9.3 The same process for Fourth offence or not satisfactory improvement will apply.

10 Suspension

10.1 Suspension, with or without pay, may occur where the degree of seriousness regarding the misconduct is high or where there is the possibility that the employee could pose a threat to fellow workers or clients or could damage the brand of Wesley.

10.2 If a Manager feels that suspension is warranted they must contact the People & Culture Manager immediately to discuss their concerns. The approval of the relevant General Manager, Executive Manager or HR Manager must be gained before any employee is to be suspended.

10.3 The Manager will issue the employee with a letter prepared by People & Culture, confirming the reason for suspension. A copy of the signed letter must be sent to the People & Culture Department for the personnel file.

11 Termination

The General Manager People & Culture Manager, Executive Manager, General Managers and CEO, must be consulted before finalising the termination, with the final decision resting with the CEO.

12 Termination during Probation

The General Manager People & Culture Manager and relevant Executive Manager must be consulted before finalising the termination.