

DISCIPLINARY POLICY

The aim of this policy is to ensure employees and participants in training understand and comply with The Company’s standards for workplace conduct and performances.(OP-035 Work Standards Guidelines)

Objectives:

- Facilitate management of the discipline process, including dispute resolution in a fair, equitable and consistent manner
- Ensure acceptable standards of conduct and performance are understood and complied with
- Ensure employees and participants understand the consequences of failure to meet these standards
- Provide employees and participants with the opportunity to improve performance without diminishing the employee’s self esteem
- Ensure dissatisfaction is quickly and clearly communicated to the employee or participant
- Provide protection for employees and participants from being unfairly disciplined and/or dismissed

The Company is committed to procedural and substantive fairness in its dealing with issues of discipline.

Definition:

‘procedural fairness’ refers to the manner in which the counselling, warning, suspension or expulsion is conducted and the following may be taken into consideration in determining whether the disciplining of an employee or participant is procedurally fair

- Action is to be taken as soon as practicable after the event.
- The person taking the disciplinary action must be impartial.
- Similar offences should incur similar disciplinary action - consistency
- Disciplinary action must not be a form of punishment or revenge
- The degree of discipline must reflect the nature of the offence.
- Procedures must be fair and follow the principles of “natural justice” ensuring the employee or participant is given the opportunity to be heard
- Right to respond – to question employer’s or witness’ statements and questions
- Both sides have equal rights
- Working to agreed policies and procedures
- Respecting confidentiality
- Opportunity to have support/representation
- Right to remedy poor performance
- Agreed outcomes
- Agreed time frames

‘substantive fairness’ refers to the reason for the dismissal

- inadequate or unsatisfactory performance
- misconduct/serious misconduct
- theft
- assault
- fraud at work or while undertaking training
- being under the influence of liquor or a drug; or
- causing an imminent risk of serious bodily injury or work caused illness or a dangerous event happening; or
- behaving in a way that is inconsistent with the continuation of employment or training

Management and or Supervisors are responsible for monitoring the conduct and performance of their employees and participants.

Where the conduct or work performance (Refer Work Standards Guidelines OP-035) of employees or participants falls below the required standard, there is a clear obligation by Management and/or Supervisors to take some form of remedial action.

Warnings are appropriate when the performance or conduct of an employee or participant is significantly unsatisfactory, but the situation is either not serious enough to justify dismissal or exclusion, or the employee's or participant's actions are considered to be serious, but out of character

All personnel will respect dealing with disciplinary matters confidentially.

To avoid any form of discrimination, standards will be set for the position/job/course and not for the individual employee or participant. Any corrective action must be handled fairly, consistently, and promptly. Standards must be non-discriminatory, reasonable, and appropriate to the concern and documented in writing.

Verbal and written warnings are given as a response to acts of misconduct short of serious misconduct and as a response to unsatisfactory work performance. Warnings should clearly identify

- the cause of concern and state dismissal may occur if the issue continues
- what changes or improvements are expected, and
- within what period.

There is no legislative requirements covering the number of warnings that must be given to an employee or the issue of documentation, however, a dismissal may be found to be unfair if no warnings are given at all. Under the The Fair Work Act there is no prescribed minimum amount of warnings that must be issued for a dismissal to be considered fair - there is no hard and fast rule. The Company believes clear documentation helps avoid any misunderstanding, demonstrates fairness and assists in defending any unlawful dismissal claim, which may arise. The normal sequence of disciplinary action at The Company is:

- Informal meeting/s and verbal warning/s
- Formal counselling and written warning/s
- Dismissal

When a period for improvement is specified it should be made clear dismissal could still occur in the review period if the employee's performance and/or conduct is unacceptable.

Reference:

- Industrial Relations Act (QLD)
- Industrial Relations Act (NSW)
- Further Education and Training Act (QLD)
- Apprenticeship and Traineeship Act (NSW)
- Workplace Relations Act
- Qld Discrimination Act
- Sex Discrimination Act
- Anti-Discrimination Act (NSW)
- Discrimination Law Amendment Act
- Fair Work Act