3.15 COUNSELLING, DISCIPLINING AND DISMISSING EMPLOYEES

Policy Number	**3.15**	**Date Commenced**	20 February 2013
Date Adopted	20 February 2013	**Resolution Number**	19/02/2013/007
Review Timeframe	4 years		
Last Review Date		**Next Scheduled Review Date**	April, 2016
Policy Responsibility	Administration		

Document History

Version	Date Amended	Details Comments e.g. Resolution Number

INTRODUCTION
The Coomalie Community Government Council may consider issues of staff misconduct and unacceptable performance levels require disciplinary action. Any disciplinary procedure shall be applied in a consistent, fair and objective manner.

OBJECTIVE
To ensure that the processes and outcomes of disciplinary procedures are in accordance with the relevant Territory and Federal laws and the Local Government Industry Award.
To ensure that the principles of natural justice apply to the process.

POLICY STATEMENT

It is recommended to seek Work place Relations Advice before disciplinary action is taken.

Problem Resolution/Mediation

The following problem resolution framework has been implemented for those employees with a desire to resolve matters as responsible employees:

- All employees invited to discuss matters with their respective supervisors openly and positively.
- If matters cannot be resolved efficiently and professionally, the employee demonstrating positive intentions to solve the matter may contact the Chief Executive Officer for assistance.
- The Chief Executive Officer may see the parties individually, or as a group, to mediate and resolve any outstanding matters.
- Where a resolution fails to evolve, the services of Counselling and Mediation consultants will be used.
- During the course of the resolution, both parties may seek guidance and/or support from a peer, union representative. These people have no influencing or implementation power, other than to assist the process through its natural course.

All stages must be documented and file notes provided to all parties involved and accessible by those concerned by contacting the CEO.

Employee Misconduct and Consequences

Employees are expected to act in a suitable manner at all times. Certain rules of conduct and behaviour are set out in the Induction manual and the Code of Conduct.

Failure to follow these rules may result in disciplinary action, from a written warning to termination, depending on the severity of the offence. Any disciplinary action will be recorded in employees personnel file, and will be taken into consideration when reviewing opportunities for advancement within the Council.

Below is a list of some violations or events that can result in disciplinary action, but it should not be considered all-inclusive. The CEO has the discretion to review this list or its interpretation:

- Removing or misplacing Council property or equipment, client records or Council documentation without prior approval.
- Destroying or damaging any Council property.
- Any violation of any Council policy or procedure as outlined in this manual, including any violation of the Council's anti-discrimination or equal opportunity policies.
- Falsification or misrepresentation of qualifications or experience whilst applying for employment.
- Failure to follow the rules and responsibilities as outlined by management or your immediate supervisor.
- Consumption of alcohol or any controlled substance during work hours.
- Misrepresentation of the prime directive as outlined in the Council mission statement.
- Consistent absence from work without proper cause and documentation.
- Consistent lateness without proper cause or documentation.

Disciplinary Procedures

Breach of Discipline

An employee is guilty of a breach of discipline if they:

- behave in a manner that is liable to bring the Council into disrepute, or
- disobey or disregard a lawful instruction; or
- are negligent, careless, inefficient or incompetent in the discharge of their duties;

or

- are absent from duty except
    - on authorised leave; or
    - with reasonable cause
- commit any other act of misconduct, or conduct him/herself in a manner inconsistent with the duties and responsibilities of the position held by the employee.

Complaint Procedure

- Any complaint received that an employee has committed a breach of discipline will be forwarded to the Chief Executive Officer, who will ensure that the employee is notified of the complaint.

- Where the alleged misconduct or unacceptable performance is of a minor nature, the relevant Manager will handle the matter and if required bring this matter to the attention of the employee and request an improvement in conduct or performance by a stated date.

- The Chief Executive Officer may suspend an employee who a complaint has been made against from employment, with pay.

Resolution Process

- A review shall be conducted.

- Relevant information shall be collected in relation to the complaint, such as interviewing witnesses and other documentation.

- The employee shall be given a written copy of the complaint and/or allegation(s) against him/her together with any other material necessary to enable the employee to respond to the complaint/allegation.

- The employee shall be given the opportunity to make written representations or, if approved, oral representations with respect to the matter.

- Employees may be accompanied during any interview by a representative.

- A report containing the findings will be prepared for the Chief Executive Officer.

Report Outcome

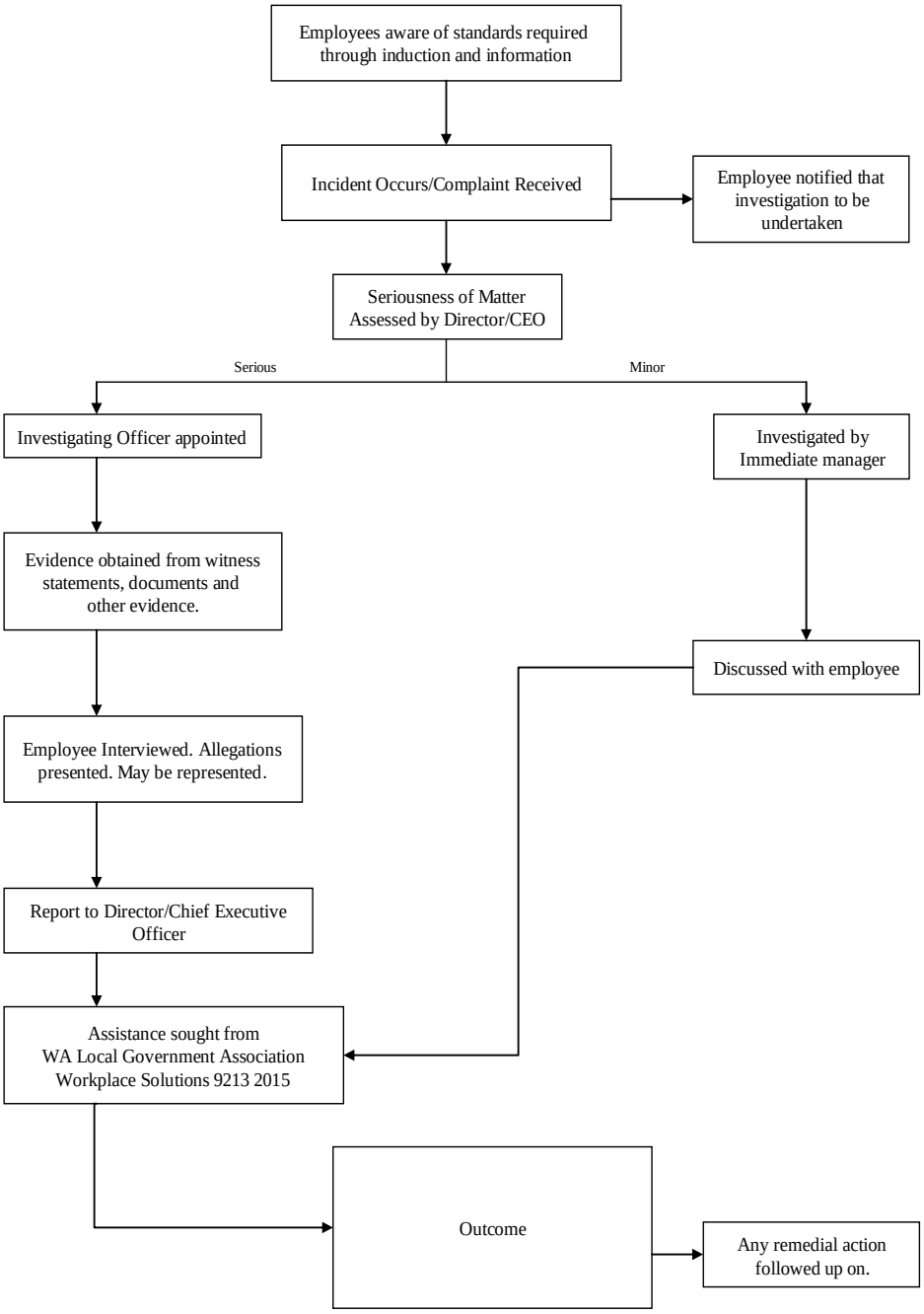
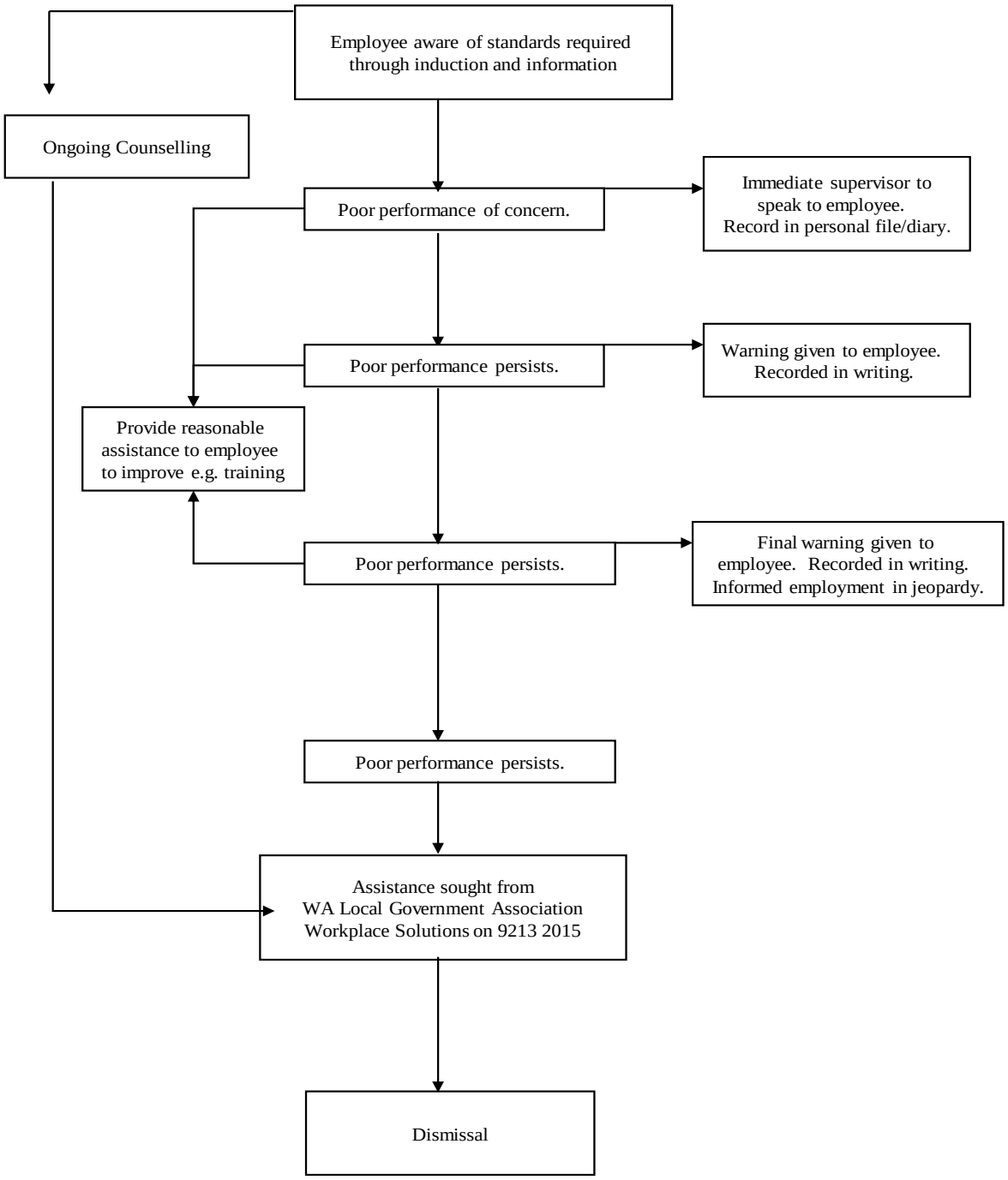
- The Chief Executive Officer shall offer the employee an opportunity to attend an interview to discuss the report findings before the outcome is decided.

- The Chief Executive Officer will consider the findings of the report and decide on the appropriate outcome.

- The outcome may include, but is not limited to the following;

    - dismissal of the complaint;
    - placing a written warning on the employee's personal file;
    - reducing the employee's classification or position;
    - transferring the employee to another department and/or location;
    - terminating the employee's employment.

Incident Discipline Process



Performance Discipline Process