

Employee Counselling and Discipline Procedure Policy

CONTENTS

1. PURPOSE	1
2. PROCEDURE	1
2.1 Ongoing Performance Monitoring & Feedback (Step 1)	1
2.2 Counselling – Verbal Warning (Step 2)	2
2.3 First Interview – Written Warning (Step 3)	2
2.4 Second Interview – Final Written Warning (Step 4)	3
2.5 Dismissal (Step 5)	3
2.6 Record Keeping	3
3. RESPONSIBILITIES	4

1. PURPOSE

- To encourage and improve work practices, performance and individual conduct.
- To provide guidance for undertaking disciplinary action when required.

2. PROCEDURE

It is the responsibility of all managers to follow the appropriate 5 step process as outlined in this procedure. Depending on the circumstances of the incident the manager can decide to commence the disciplinary process at any of the steps. The manager is to consider gravity of the offence, penalties applied in the past, the individual's record, mitigating circumstances and fairness.

The 5 step process is also outlined as a workflow in Appendix 1.

2.1 Ongoing Performance Monitoring and Feedback (Step 1)

Line managers are to monitor an employee's conduct and performance during normal daily activities.

Where unacceptable performance is identified, the line manager should provide timely feedback to reinforce required standards.

The feedback while seeking to improve an unacceptable practice should be done in a positive light with the unacceptable behaviour clearly stated, a discussion on reasons why the behaviour is unacceptable and an agreement made on the correct action to take. Confirmation should be received that the employee is aware of the requirements, for example a diary note.

Counselling is an integral part of this procedure and all employees should receive frequent feedback on their conduct and performance.

2.2 Counselling – Verbal Warning (Step 2)

If there is no improvement in the employee's performance or conduct, or there is an apparent minor breach of procedures or rules, the employee's line manager should formally discuss the matter with the employee and should take steps to counsel the employee regarding the area(s) of concern. This should occur as soon as possible after the matter has been raised. In particular, the employee should be told what it is about their performance or conduct that is of concern. The employee should be given opportunity to openly respond to the issues put to them.

In the course of the discussions it may be identified that the matter would be more appropriately handled under alternative processes that are available to assist employees (for example, the HR Manager, alcohol and drug dependence programmes). If this is the case, such action should be initiated as soon as possible.

A verbal warning should be issued and a record should be kept of the details of the incident, for example, a diary note.

A review period may be set by the supervisor to provide for more formal feedback on performance.

2.3 First Interview – Written Warning (Step 3)

Following a serious breach of procedures or rules, or if, after issuing a verbal warning, the employee's performance or conduct does not improve a formal interview with the employee is recommended. An independent witness shall attend the interview.

The employee should be informed at the interview:

- That their performance or conduct is unacceptable; and
- What exactly it is about their performance or conduct that is unacceptable (refer to specific examples).

At this point, the employee should be given the opportunity to respond to each example. The employee's response should be considered by the manager to see if it justifies the employee's performance or conduct.

If the response is unsatisfactory, the employee should be advised:

- That their response does not justify their performance.
- Of the clear, objective performance standards required.
- What they need to do to improve their performance or conduct.
- That their performance or conduct will be monitored daily and formally reviewed at an appropriate future time nominated by the supervisor.
- Their employment may be terminated if their performance or conduct does not improve.
- A reasonable review period should be set for formal follow up.

2.3.1 Written Warning

Immediately after the interview, the employee should be given a letter of warning. The employee should be asked to sign that they received a copy of the letter. If they refuse, the witness should sign a copy noting the letter was given to but not accepted by the employee.

2.3.2 Review

At the end of the review period a formal review should take place. If the employee's performance or conduct has improved, they should be encouraged to continue improving. A record of matters discussed at the meeting should also be written, with a copy being placed on the employee's personnel file.

On the other hand, if the employee's performance or conduct has not improved, the processes in Step 4 are initiated with a further letter of warning.

2.4 Second Interview – Final Written Warning (Step 4)

If there is a failure to improve conduct or performance after a written warning has been issued, or if the issue is sufficiently serious to warrant one only written warning (i.e. a first and final warning) a final written warning is to be given. This is to follow the process outlined in Step 3. This warning will clearly set out the details of the issue and warn that dismissal will follow if there is no satisfactory improvement.

It may be considered appropriate to implement a penalty as a last resort, for example, suspension for a determined period and a final warning. This is to be considered in relation to the circumstances and the seriousness of the incident.

2.5 Dismissal (Step 5)

If there is no conduct or performance improvement and the required performance standard is not met despite receiving verbal and /or written warnings as appropriate, or if the issue is one of serious and wilful misconduct, termination is to be considered.

Approval from the HR Manager must be obtained before the decision to terminate is made. If the conduct involves non-compliance with relevant laws, it will be required to seek advice from the HR Manager and an Emtek Director on whether to involve the appropriate regulatory authorities (for example, crimes such as theft or fraud).

If a decision is made to terminate, the employee should be informed of the decision and given a termination letter. They should be given the appropriate notice period or compensation in lieu of notice and any other accrued entitlements, if applicable. The termination advice form must be filled out and signed by the line manager and the employee.

2.6 Record Keeping

Copies of meeting records and any evidence collected related to a discipline process will be provided to the employee concerned unless disclosure of such information infringes on the privacy rights of another party.

All documentation relating to a disciplinary process is to be kept in a confidential file maintained by the HR Manager or Emtek Director.

A copy of the final letter advising the employee of the outcome of the disciplinary process is placed in the employee's confidential personnel file.

All records are administered in accordance with the requirements of the Privacy Act 1988.

3. RESPONSIBILITIES

EMtek will ensure that:

- All employees are made aware of EMtek policies and procedures, safety requirements and job performance standards.
- Training is provided to support those in leadership roles in order to maintain expected standards of conduct.
- The procedure for handling conduct problems is adhered to.
- In cases of serious incidents immediate investigatory action is taken. Serious incidents are those where immediate dismissal is a possible course of action.
- In cases of other than serious incidents, action is taken as soon as is practicable to ensure fair treatment and minimal disruption.
- Line Managers will ensure:
 - That expected levels of conduct and performance are made clear to employees.
 - The provision of frequent feedback to employees on their conduct and performance.
 - They meet their obligations as set out in the policy and procedure.
 - The EMtek Director and the HR Manager are advised of actions being planned in accordance with the procedure.

HR Manager will:

- Provide advice on disciplinary action; maintain records and provide copies to payroll.

Employees are expected to:

- Make themselves aware of the expected standards of performance and conduct and performance from the provided material.
- Meet reasonable and agreed standards of conduct and performance.
- Understand that they have an overriding obligation to act in a manner which promotes dignity, mutual respect and trust.

APPENDIX 1 DISCIPLINE PROCESS FLOWCHART

