

1. POLICY CERTIFICATION

Policy title:	Employee Formal Discipline Policy
Policy number:	HR003
Category:	Policy
Classification:	Human Resources
Status:	Approved

2. PURPOSE

The aim of the Roper Gulf Regional Council disciplinary policy is to ensure that all employees are treated fairly and consistently and that action is taken promptly, providing a reasonable opportunity for the employee to improve their performance.

3. ORGANISATIONAL SCOPE

This policy applies to all Roper Gulf Regional Council employees in all their duties, roles and responsibilities. This includes employees who are:

- a person who is not an employee but works for, or provides services to, the council on a contract basis; or
- a person who works for the council under an arrangement with a labour hire agency; or
- a person (other than a member of the council, a local authority, or a council committee) acting under powers of the council conferred by delegation.

4. POLICY STATEMENT

Employees are bound by the Roper Gulf Regional Council Code of Conduct, contracts of employment, duty statements, policies and procedures which clearly state how employees are to conduct themselves and perform.

Managers and supervisors are expected to address unacceptable work performance or conduct. This policy should be read in conjunction with Employee Performance Review and Appraisal, Code of Conduct, relevant Award, Duty Statements and employment contracts.

All disciplinary matters shall be conducted in compliance with Part 9.3 of the *Local Government Act*, and in accordance with the principle of Natural Justice.

5. DEFINITIONS

Code of Conduct	outlines standards of behaviour expected of staff employed by the Roper Gulf Regional Council
Natural Justice	The right to be given a fair hearing, and the opportunity to present one's case, and the right to have a decision made by an unbiased or disinterested decision maker, based on logically probative evidence: <i>Salemi v MacKellar (No 2) (1977) 137 CLR 396; 14 ALR 1.</i>
RGRC	Roper Gulf Regional Council

6. PRINCIPLES

- 6.1 Employees are to be given every opportunity to state their case, as well as having explained to them what is expected from them at work during disciplinary action. Roper Gulf Regional Council, as the employer, will make every effort to assist employees in improving their performance.
- 6.2 All supervisors, in the course of their duties, should interact with employees, and, where they have concerns in relation to their performance, raise these concerns as they arise.
- 6.3 All disciplinary matters will be kept confidential and be dealt with in a professional manner.
- 6.4 The formal discipline system provides a stepped process for dealing with ongoing unsatisfactory performance or behaviour. This is designed to allow the employee a reasonable opportunity to understand the Council's requirements and to comply with them. The steps are:
- I. Verbal/ Informal warning
 - II. Formal interview and written warning
 - III. Final interview and written warning
 - IV. Dismissal
- 6.5 Although it is important to take disciplinary action when required, it is equally important to allow the employee a chance to change and not be penalised for their previous errors.
- 6.6 Where problems arise on the job and these problems have been discussed between the supervisor and the employee and the employee still shows no signs of improvement, then it may be necessary to turn to the formal stage of the disciplinary process.
- 6.7 At all stages of the disciplinary process the employee will be invited to have a support person present.
- 6.8 Under certain circumstances, the disciplinary actions will result in instant dismissal. Actions that attract instant dismissal include assault, affray, vandalism and willful damage of RGRC assets, certain harassment circumstances, endangering other people, fraudulent activity, or any other high risk action or activity as deemed dismissible by the RGRC Executive within the context of applicable law and Natural Justice.

7. REFERENCES

Related Policies	<i>Code of Conduct, Employee Performance Review and Appraisal</i>
Related Publications	<i>Fair Work Act 2009 (Cth), Local Government Act, Anti-Discrimination Act, Roper Gulf Regional Council Employee Induction Package</i>

8. DOCUMENT CONTROL

Policy number	HR003
Policy Owner	Human Resources
Endorsed by	Council

Roper Gulf Regional Council
HR003 – Employee Formal Discipline Policy

Date approved	12/4/2012
Revisions	July 2017
Amendments	23 August 2017
Next revision due	June 2021

9. CONTACT PERSON

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