

## 1. POLICY CERTIFICATION

Policy title:	<b>Performance Management Policy</b>
Policy number:	<b>HR0031</b>
Category:	<b>Policy</b>
Classification:	<b>Human Resources</b>
Status:	<b>Approved</b>

## 2. PURPOSE

The objectives of Roper Gulf Regional Council ('RGRC')'s Performance Management Policy ('Policy') are to:

- a) improve the standard of an employee's performance and/or correct an employee's conduct where RGRC deems this appropriate or necessary; and
- b) provide employees with an opportunity to improve their performance or correct their conduct (other than in situations where summary dismissal is appropriate).

## 3. ORGANISATIONAL SCOPE

This Policy applies to all current RGRC staff.

## 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 perform and conduct themselves during their course of employment.

This policy should be read in conjunction with the Employee and Contractor Code of Conduct, the *Local Government Industry Award 2010*, Duty Statements and employment contracts.

## 5. PRINCIPLES

Performance Management is the holistic process of creating a work environment or setting in which people are enabled to perform to the best of their abilities. It is not merely a focus on current performance but is a wider system that supports the employment cycle.

## 6. PROBATIONARY PERIOD

- a) All new employees are required to complete a period of probationary employment to assess the suitability of new employees before ongoing employment is confirmed.
- b) New employees of RGRC will be employed for a probationary period of six (6) months.
- c) RGRC will assess an employee's performance and conduct throughout the probationary period and provide feedback about these issues. The continued employment of the employee is dependent upon their successful completion of the probationary period.

- d) Where the employee's performance and/or conduct does not meet the standard required for the job, RGRC may elect to terminate the employee's employment with the requisite period of notice or payment in lieu of notice.

## **PERFORMANCE ASSESSMENT**

The performance assessment/review is an opportunity for the manager and staff member to reflect on the achievements and challenges, and to plan for the future in line with organisational requirements.

This is also a critical opportunity to review the current position description and the alignment between the position description and actual performance expectations.

This process may also identify any training or professional development opportunities that the staff member may require to assist them in achieving their work goals.

The performance assessment of employees is a continuous, ongoing process, and is done at regular intervals not exceeding twelve (12) months duration.

## **EXEMPLARY PERFORMANCE AND CONDUCT**

Various incentives are in place to encourage and reward exemplary performance and conduct including promotion.

An employee may be promoted due to exemplary performance and conduct. Promotion is subject to operational considerations and availability, and may be in the form of the employee being promoted to a more senior position, *or*, the employee having the level of their current position raised.

This is to be determined by the CEO, based on various factors including directorial and managerial input and recommendations.

## **UNDER-PERFORMANCE**

Underperformance is when an employee is not meeting the specific performance requirements identified during their employment, or the general standards of performance and behaviour expected of an employee, despite having received reasonable support, development and training to enable them to perform effectively.

Underperformance may be identified at any time during a staff member's employment and commencement of the process to manage the underperformance may occur either:

- As a result of a formal assessment of "*has not met the standard required*" in the employee's annual performance assessment, or
- During the course of the performance cycle, when a manager identifies an issue/issues of underperformance and despite reasonable efforts to address the underperformance informally, the underperformance continues.

While an underperformance process is underway, the employee ceases to be involved in the annual Performance and Development cycle. Where the underperformance issue is successfully resolved, the employee returns to the normal annual Performance and Development cycle.

### **PERFORMANCE IMPROVEMENT PLAN**

A Performance Improvement Plan (PIP) is designed to facilitate constructive discussion between a staff member and his or her supervisor and to clarify the specific aspects of work performance to be improved. This is usually used when there are significant underperformance issues and a structured approach is required to address concerns.

### **MISCONDUCT**

RGRC expects employees to observe acceptable standards of behaviour.

Employees must not engage in behaviour that amounts to misconduct (including serious misconduct) at the workplace. This includes where employees are working on site or off-site, attending a work-related conference or function, or attending a client or other work-related event, including retreats and social events.

#### ***Misconduct***

Where an employee engages in misconduct or alleged misconduct, the processes in this policy will be followed.

Behaviour amounting to misconduct includes, but is not limited to, the following:

- failing to obey lawful and reasonable instructions of RGRC;
- failing to follow defined policies, procedures and rules;
- failing to share relevant information with RGRC;
- unacceptable disruptive behaviour;
- unauthorised absence from the workplace; and
- Repeatedly being late for work without lawful excuse.

When proven, misconduct may provide a valid reason for termination of an employee's employment with notice.

#### ***Serious misconduct***

Whether misconduct amounts to serious misconduct depends on the particular circumstances of a given case. Supervisors/managers should consider the circumstances fully as they apply to the particular employee when determining whether or not the employee has engaged in conduct that could be considered serious misconduct.

Behaviour amounting to serious misconduct includes, but is not limited to:

- willful or deliberate behaviour that is inconsistent with the employee's contract of employment;
- theft;
- fraud;
- assault;
- intoxication at work;
- use of derogatory, violent or abusive language;

- fighting;
- failure to observe safety rules;
- concealment of a material fact on engagement;
- obscenity;
- dishonesty in the course of the employment; and
- Criminal conduct including conduct that, if proven, renders the employee completely unfit for work.

## **GROUNDINGS FOR DISCIPLINARY ACTION**

Disciplinary action may be taken in response to any:

- a) unsatisfactory performance;
- b) unacceptable conduct; and
- c) wilful or serious misconduct.

## **DISCIPLINARY PROCEDURE**

The procedures outlined below are intended as a guide only to the disciplinary procedures which may be implemented by RGRC. In every case, RGRC will determine the actual disciplinary procedure to be adopted at its discretion and in consideration of the circumstances of the case as a whole.

Nothing in this Policy prevents RGRC from issuing a final warning at any stage of the process. Similarly, nothing in this Policy prevents RGRC from dismissing an employee at any stage of the procedure set out in this Policy if RGRC deems this action is warranted, for example in circumstances involving an employee committing serious or wilful misconduct.

## **INVESTIGATION**

Depending on the circumstances, it may be necessary to conduct an investigation into certain incidents and/or allegations that have been raised. This may involve collecting relevant data/information and interviewing the relevant employee as well as any witnesses (such as the employee's co-workers or supervisors, or even customers and suppliers with whom the employee has had contact). Third-hand or hearsay evidence must not be given any weight when determining the outcome of an investigation.

When determining the outcome of an investigation pertaining to a performance issue, the *standard of proof* required to determine whether or not allegations are justified, will be the balance of probabilities.

The investigation will be carried out in a manner consistent with the principle of Natural Justice, and s104(c) of the *Local Government Act*.

An employee may be suspended from duty on ordinary pay pending the completion of an investigation.

## DISCIPLINARY INTERVIEW

If on the basis of the investigation, RGRC is satisfied that there is a case to be answered by the employee, the employee may be asked to attend a formal interview meeting to address the area(s) of concern.

An example of a procedure that may be adopted by RGRC in these circumstances may involve:

- a) the employee being given notice of the meeting and what will be discussed at the meeting;
- b) the employee being given a reasonable opportunity to have a support person present at the meeting.
- c) putting the issue(s) of concern or allegations to the employee;
- d) giving the employee an opportunity to respond to the concerns or allegations;
- e) RGRC considering the employee's response and making any further enquires or investigations (if necessary);
- f) RGRC determining whether the concern(s) or allegations have been substantiated on the balance of probabilities; and
- g) if it is determined that all or some of the concerns or allegations are substantiated, RGRC will make a decision about what, if any, disciplinary action is appropriate in the circumstances.

## DISCIPLINARY ACTION

Any disciplinary action taken by RGRC against an employee will vary from case to case. This may include a consideration of whether the employee has received any prior verbal or written warnings in relation to their performance or conduct.

Examples of disciplinary action which may be taken by RGRC include, but are not limited to, the following:

- a) training;
- b) verbal warning;
- c) written warning;
- d) demotion; and
- e) dismissal, including summary dismissal in circumstances of serious or wilful misconduct.

## 7. DOCUMENT CONTROL

Policy number	<b>HR031</b>
Policy Owner	<b>Manager, Human Resources</b>
Endorsed by	<b>Council</b>
Date approved	<b>02/03/2017</b>
Revisions	

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Amendments	
Next revision due	<b>March 2020</b>

## 8. CONTACT PERSON

Position **Human Resources Manager**  
Contact number **89 729 006**