

1. POLICY CERTIFICATION

Policy title:	Employee Discipline Policy
Policy number:	HR003
Category:	Policy
Classification:	Human Resources
Status:	Approved, In-Force

2. PURPOSE

Roper Gulf Regional Council’s (Council) disciplinary policy ensures that all employees are treated fairly and consistently and that any disciplinary action taken is lawful, fair, consistent, just, reasonable, prompt, proportionate, and provides a reasonable opportunity for an employee to correct behaviour and/or improve their performance.

3. ORGANISATIONAL SCOPE

This policy applies to all 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 Council’s COR006 Code of Conduct (Staff), contracts of employment, position description, policies and processes that 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.

Disciplinary is always the last resort rather than the first, unless circumstances are such that other administrative actions cannot be applied.

All disciplinary matters shall be strictly conducted in compliance with Part 9.3 of the *Local Government Act 2019*, and in accordance with the principle of Natural Justice.

5. DEFINITIONS

Code of Conduct	outlines standards of behaviour expected of staff employed by 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. 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.
- 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.
- 6.9 Disciplinary action may be taken in response to any:
 - (a) Unsatisfactory performance;
 - (b) Unacceptable conduct; and
 - (c) Misconduct, including Serious Misconduct.
- 6.8 Under certain circumstances, including Serious Misconduct, the disciplinary actions will result in instant dismissal. Actions that attract instant dismissal include assault, affray, vandalism and serious willful damage of Council assets, certain harassment circumstances, endangering other people, fraudulent activity, or any other high risk action or activity as deemed dismissible within the context of applicable law.
- 6.1 For the purposes of this policy, misconduct and serious misconduct are defined in the COR006 Code of Conduct (Staff).
- 6.2 The outcome of any disciplinary action taken may include (depending on circumstance, gravity, and applicable law) any of the following:
 - (a) No further action;
 - (b) Remedial Training or Mediation;
 - (c) Verbal Warning;
 - (d) Written Warning;
 - (e) Demotion; and
 - (f) Dismissal.

7. REFERENCES

Related Policies	<i>COR005 Corporate Processes Policy; COR006 Code of Conduct (Staff)</i>
Applicable Law (non exhaustive)	<i>Fair Work Act 2009 (Cth); Local Government Act 2019; Anti-Discrimination Act 1992</i>

8. DOCUMENT CONTROL

Policy number	HR003
Policy Owner	Human Resources
Endorsed by	Council
Date approved	12/4/2012
Revisions	July 2017, March 2024
Amendments	23 August 2017, April 2024
Next revision due	2028

9. CONTACT PERSON

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