

DOB ENTERPRISES PTY LTD

DOB Disciplinary Procedure Policy
IMS-502-01-POL

Revision History

Date	Rev	Modified By	Changes Made, Review History	Reviewed by	Approved by
16.04.18	0	Sunette Opperman	Creation	S Rupert	S Rupert
13.02.19	1	Sunette Opperman	Invitation to Disciplinary meeting letter	S Rupert	S Rupert



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Revision | 1

Document No | IMS -502- 01-POL

Date | 13.02.19

Page

Page 2 of 8

DOB Disciplinary Procedure Policy

Purpose of this policy

This policy is to ensure that our employees and staff behave in safe, fair, and respectful ways without bias or discrimination and in accordance with legal requirements. Employees and staff are expected to adhere to policies, procedures, and directives as issued by the company from time to time. Where employees do not meet standards set out by the company, these employees will receive a fair, consistent approach to addressing their behaviour and performance issues.

Steps and expectations covered in this policy are:

- ensuring counselling takes place to reinforce the expected performance or conduct standards
- establishing a process under which warnings may be issued and discussed
- providing for disciplinary action where performance or behaviour is considered to be misconduct.

Definitions

Counselling: The discussion and analysis of issues which affect an employee's conduct and/or work performance in an attempt to find solutions to on-the-job problems. Counselling is used to improve an employee's performance where their behaviour or conduct is unacceptable or unsatisfactory.

Disciplinary action: Action taken by the company to deal with any actual or perceived breach of policies, codes or other standards of work performance and/or conduct.

Misconduct: Behaviour so serious in its nature that it may warrant severe discipline of the employee by the employer including but not limited to instant dismissal.

Rights and Responsibilities

All persons have the right to:

- have the principles of natural justice and procedural fairness observed, this means:
 - the employee who is the subject of concern must be informed of all the allegations in relation to his/her behaviour
 - the employee must be provided with the opportunity to put forward their case
 - all parties must have the right to be heard
 - all relevant submissions and evidence must be considered
 - irrelevant matters must not be taken into account
 - the decision-maker must be impartial, fair and just



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Document
No

IMS -502- 01-POL

Page

Page 3 of 8

DOB Disciplinary Procedure Policy

- investigations and proceedings that are conducted honestly, fairly and without bias
- no undue delay in investigations and proceedings.
- the employee/person who is the subject of concern has the right to have representation by another individual of their choice

It is the responsibility of all parties involved in counselling or disciplinary action to participate fully in the resolution process in good faith. Confidentiality must be respected and maintained at all times within the constraints of the need to fully investigate the matter, subject to any legal requirements for disclosure and consistent with the principles of natural justice

Procedure

Problems should be raised as soon as possible. Any allegations of misconduct must be reported to IMSR and Director within 24hrs of incident or notification of incident.

Problems should be addressed as soon as possible. This includes:

- Appropriate identification of witnesses
- Appropriate investigation to determine facts in a timely manner.
- Written reports lodged to IMSR and Director for review before any action is taken.

Schedule a meeting with the person whose performance is being investigated/ reviewed using Form 179 – Invitation to attend Disciplinary Meeting

- Notification shall be provided with **a minimum of 48 hours' notice**
- The person shall be notified of what they are being reviewed/investigated for
- The person shall be given an opportunity to arrange for a support person to attend the meeting.
- If a support person is unavailable at the time of the scheduled meeting, the company will make a reasonable effort to accommodate alternate arrangements for a support person to attend.
- The company will not unduly delay a meeting because a support person is unavailable.

The person whose behaviour is in question shall be given an opportunity to discuss and explain their side of events.

The person conducting the interview shall take into account what the employee has said about their side events.



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Revision

1

Date

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Document
No

IMS -502- 01-POL

Page

Page 4 of 8

DOB Disciplinary Procedure Policy

Outcomes

The person under investigation shall be given an opportunity to discuss their side of events.

Depending on the severity of the behaviour issue, a person shall be provided with any of the following either at the end of the meeting or within 24 hours of its conclusion (with approval from Director):

- A verbal warning
- An opportunity for further training or counselling
- A written warning
- Suspension with or without pay
- Termination

A period for review shall be set at the end of a meeting if a warning or further training is recommended.

Documentation of the event should be recorded on the Employee Meeting template (Appendix A) and must include:

- What was investigated and why
- Who was spoken to regarding the issue and what they said
- The outcome of the meeting
- A way to allow the employee to see, sign, and comment on any notes.

Findings must be reported to the Director before any actions are taken, full reports must be submitted to the IMSR for lodging into the incident reporting systems and copies of disciplinary action and meeting must be saved in employee folder.

Best Practice

Problems should be raised and addressed as soon as possible- preferably within 24 hrs of event or initial report.

Documentation should be maintained throughout the process – including:

- Incident Investigation Form 74
- Feedback Form 17
- Continuous Improvement (CI) Form 104
- Employee Meeting Template (Appendix A)

The person making the disciplinary decisions should not approach the meeting with a pre-made decision about what path they will definitely take. While the person can approach the meeting with possible outcomes in mind, they need to be open to



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Document
No

IMS -502- 01-POL

Page

Page 5 of 8

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DOB Disciplinary Procedure Policy

considering mitigating factors that are raised in the meeting. Any disciplinary action should be approved by Director before implementing.

The person conducting the meeting should keep the meeting on-topic and not stray into issues that are not directly related to the issue being investigated.

The person conducting the disciplinary meeting should be open to suggestions for ways for the employee to improve their performance and should take into account any barriers to success that are raised by the employee.

Concentrate on the facts of the situation and the clear quantifiable measurements to support these facts. Ensure there is evidence for facts and figures. This requires good record-keeping to be an essential part of the process, and therefore to also be a part of the management practice of the business.

If an issue is raised anonymously, the person conducting the meeting should take care to respect a wish to remain anonymous.

The projected outcomes should be made clear to all parties in the report

- If a situation is to be reviewed in a set period of time, the timeframe should be stated in the documentation
- If a situation is serious enough that a person's job is at risk if a behaviour continues, that should be stated in the documentation.
- If an employee is to receive training, the type of training, the expected outcomes, and the expected duration of training is to be stated in the documentation, along with any subsequent review dates.

It is best practice to give warnings and to allow employees an opportunity to improve and correct their performance. Termination is reserved for instances where people have not improved their performance over a period of time and/or situations that involve major misconduct.

It is **very important** that you do not set requirements or expectations for the employee that are discriminatory, unlawful or otherwise unreasonable. You may wish to seek professional advice about discrimination and other general protections if you are unsure.

NO disciplinary meetings or actions are to be taken without PRIOR approval from the Director of DOB Enterprises Pty Ltd.



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Document
No

IMS -502- 01-POL

Page

Page 6 of 8

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DOB Disciplinary Procedure Policy

APPENDIX A

Recording details of meetings with employee template:

This template is useful for keeping a record of your meetings and discussions with employees. Employers are advised to always keep written records throughout the process of managing performance or conduct issues. If other people are present in the meeting you may wish to ask them to sign your record to verify it (if they agree with it), however they are not required to do so.

Suggested steps for making a formal recording of meetings with employees

Step 1: Write everything down that is discussed at the meeting

To maximise the value of your record, write down all of the details of the meeting as soon after the event as possible. This will assist you to accurately recall all that happened. Make sure you keep the record as impartial as you can; that is, try to keep it factual and based on what actually happened, not on what you thought or felt of the meeting.

Step 2: Ask others who were present to sign the record if they agree with the contents

Provide a copy of your record of the meeting to the employee and any other people who were present in the meeting. Try to do this as soon as possible after the meeting when it is still 'fresh' in people's minds. Ask them to sign the record if they agree with its contents. If they disagree with the contents, you might need to make some amendments to the record based on their comments before they will sign it. Note that employees and witnesses are not required by law to sign the record.

Step 3: Provide a copy to the employee

You should provide a copy of the formal record of the meeting to the employee for them to keep. If the employee has a copy you will have improved the reliability and transparency of the record should it be relied on in the future.



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Date

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Page

Page 7 of 8

DOB Disciplinary Procedure Policy

Record of meeting with employee

<Insert date>

Re: Record of meeting with <insert employee's name> regarding <insert brief description of issue such as 'performance' or 'misconduct'>

Today at <insert time>, I met with <insert employee's name>. Also present was <insert names of any other people at the meeting>.

During the meeting I <insert details of what you said/advised/explained to employee>. <Insert employee's name> said in response that <insert details of what you believe the employee said/advised/explained>.

In order to assist <insert employee's name> to improve their <insert brief description of issue or write 'performance' or 'conduct' if relevant>, I <insert details of what steps you have taken or offered and any deadlines, targets, expectations that you have set the employee for improvement>.

<Record any other details of the meeting that you have not yet written.>

At the end of the meeting I <insert details of anything else that occurred at the end of the meeting, for example if you gave the person a warning letter or if you set a date for a follow up meeting you should note that here>.

Signed: _____ Date: ___/___/___

Print name: _____

Others present in the meeting confirm this record:

Signed: _____ Date: ___/___/___

Print name: _____

Signed: _____ Date: ___/___/___

Print name: _____



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Page

Page 8 of 8

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