

## 2.12 DISCIPLINARY ACTION

### What You Need to Know

The policy is designed to enable individual cases to be resolved fairly, consistently and in a timely manner. Wherever possible and reasonable, help and encouragement, including formal training, will be provided to allow employees to meet standards specified as a result of disciplinary action taken against them.

**Always read this Policy in conjunction with the Related Procedures identified below.**

<b>Policy Statement</b>	IRT policy is that when an employee is allegedly in breach of policy, displays inappropriate behaviour, their performance falls below acceptable standards or a grievance or complaint is received, an investigation will take place to gather the facts. After an investigation takes place, disciplinary action may be taken, if warranted. IRT aims to provide an efficient, ethical, safe and healthy workplace.
<b>Purpose</b>	<p>IRT is committed to ensuring that policies and procedures are followed and the appropriate action is taken when there are breaches of those policies and procedures.</p> <p>IRT aims wherever possible to informally resolve matters of alleged unsatisfactory conduct, attendance or poor performance, without resorting to formal procedures. Recognising however, that this is not always possible, particularly when the allegations are of a serious nature a formal means of investigation is required.</p> <p>The policy assists IRT and employees to achieve and maintain high standards in the workplace.</p>
<b>Risk Statement</b>	IRT has a low appetite for risk that IRT employees conduct does not align to IRT culture or values.
<b>Scope</b>	This policy applies to all employees, students and volunteers.
<b>Related Procedure</b>	
<b>Related Documents</b>	<p>Employee Grievance/Complaint form (077)</p> <p>EAP Brochure</p> <p>IRT Code of Conduct</p> <p>PC 2.11 Harassment, Workplace Bullying and Workplace Relations</p> <p>PC 2.22 Anti-Discrimination</p> <p>PC 2.59 Workplace Conduct Investigation</p>
<b>Compliance Requirements</b>	<p>IRT Enterprise Agreement</p> <p>National Employment Standards (NES)</p> <p>Fair Work Act 2009</p>
<b>Policy Owner</b>	EGM of People & Culture
<b>Effective Date</b>	February 2019
<b>Review Date</b>	February 2022
<b>Content Manager Reference Number</b>	EDOC2019/02655

## **1 POLICY PRINCIPLES**

### **1.1 Failure to Comply**

A serious breach of IRT's policies and procedures, insubordination, illegal conduct or activity, violation of the Code of Conduct, neglect of duties or other breaches of an employee's terms of employment are examples of misconduct for which disciplinary action may be warranted.

#### **1.1.1 Grounds for Disciplinary Action**

Disciplinary action may be taken in response to any:

- breaches of IRT policies and procedures;
- breaches of the IRT Code of Conduct;
- excessive absences;
- unsatisfactory performance;
- unacceptable conduct; and/or
- willful or serious misconduct.

### **1.2 Disciplinary Procedure**

The procedures outlined below are intended as a guide only. Nothing in this policy prevents IRT from issuing a final warning at any stage of the process, particularly if the alleged breach is proven and serious enough to warrant a final warning. Similarly, if the circumstances warrant, nothing in this policy prevents IRT from dismissing an employee at any stage of the procedure set out in this policy, for example in circumstances involving wilful or serious misconduct by an employee. The EGM of People & Culture (or delegated to the P&C Business Partner) must be consulted before any action is taken to dismiss an employee as appropriate delegations need to be adhered to.

### **1.3 Disciplinary Outcome Interview**

Once investigation of the matter has been undertaken, the Supervisor/Manager should decide on what disciplinary action, if any, is to be taken (they may seek guidance from People & Culture, if required):

- The employee should be asked to attend a follow up meeting to discuss the outcome of the fact finding process.
- The employee should be given written notice (invitation) of the meeting and what will be discussed at the meeting.
- The employee should be given the opportunity to have a support person present at the meeting.
- If the employee is being given a first, second or final warning, this should be communicated to the employee at the follow up meeting and confirmed in writing.
- Any follow up action recommended should occur unless circumstances change.

## 1.4 Disciplinary Action

Any disciplinary action taken will depend on the circumstances and would include a consideration of whether the employee has received any prior verbal or written warnings in relation to their performance or conduct. The employee's service and conduct to date should also be considered.

Individual occurrences should be treated on their own merits. If the result of the investigation warrants disciplinary action, it's only then that prior formal warnings can be incorporated to determine the level of warning issued (e.g. second, third or final).

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

- Training/education;
- Verbal warning;
- Written warning; or
- Dismissal, including summary dismissal in circumstances of serious or wilful misconduct.

### 1.4.1 If Dismissal is recommended

Following the investigation, a recommendation is made to the EGM or CEO for termination. Upon review of the evidence provided the EGM or CEO may support the recommendation however must ensure that the employee is given the opportunity to show cause as to why their contract of employment should not be terminated.

The employee will be informed in a meeting with the Supervisor/Manager. The employee should be given an opportunity to show cause and give their reasons (if any) as to why they shouldn't be dismissed. These reasons will be considered before a final decision is made which can only be by the EGM or CEO or their delegate.

### 1.4.2 Summary Dismissal

IRT may dismiss an employee without notice or warning when the employer believes on reasonable grounds that the employee's conduct is sufficiently serious to justify immediate dismissal.

Serious misconduct is seen as actions by an employee that is intentional and causes serious immediate risk to the health or safety of a person, or the reputation, viability or profitability of the business. For example, theft, fraud, elder abuse, assault or serious breaches of IRT policies and procedures.

The supervisor/manager must contact the EGM of People & Culture before summarily dismissing an employee. Any decision to summarily dismiss an employee must be approved by the EGM or CEO or delegated authority.

*NOTE: The preferred approach is to suspend the employee with pay so as to ensure all information is considered prior to finding the decision.*

## 2 ROLES AND RESPONSIBILITIES

Role	Responsibility
Policy Owner - EGM of People & Culture	<ul style="list-style-type: none"><li>Ensuring the currency and appropriateness of the policy to meet regulatory and legislative requirements.</li></ul>
Policy Monitor - P&C Business Partners	<ul style="list-style-type: none"><li>Ensure day to day implementation and compliance with policy.</li></ul>
Managers	<ul style="list-style-type: none"><li>Carry out their responsibilities according to this policy.</li></ul>

## 3 DEFINITIONS

In this Policy, words have the following meaning:
