

# **COUNSELLING & DISCIPLINE POLICY**

## **INTRODUCTION**

NOSS Tasmania (NOSS) is committed to ensuring the provision of a workplace that guarantees all employees equity, fairness, justice and privacy in all aspects of their working relationships.

Inherent within this commitment is an acknowledgment that NOSS is a service delivery organisation and therefore its single most valued asset is its workforce. To this end the commitment by NOSS is to:

1. maximise the effectiveness of all employees;
2. provide a management style designed to encourage optimum work performance and conduct;
3. respect and acknowledge the rights and responsibilities of all employees;
4. provide a mutually supportive work environment founded on mutual trust and respect; and
5. provide a fair and equitable process for the identification, handling and resolution of all areas of conflict or grievance within the workplace.

In any workplace, matters will inevitably arise that will require processes to improve an individual's work performance or conduct.

This policy is designed to:

- provide the foundation for all counselling and discipline related matters arising within NOSS;
- ensure that any unsatisfactory work performance or conduct is remedied to allow the employee to perform at an acceptable level as a valued member of the team;
- provide consistency and fairness in procedures to deal with such circumstances;
- identify matters of concern at an early stage; and
- place maximum emphasis on conciliation and negotiation of mutually acceptable outcomes with imposed outcomes being the exception rather than the rule.

## **DEFINITIONS**

The term counselling refers to the discussion and analysis of issues which affect an employee's work performance or conduct in an attempt to find solutions to work related issues and avoid disciplinary action.

The term discipline is a process to ensure that any unsatisfactory work performance or conduct is remedied by the utilisation of clear and fair procedures.

## **Counselling**

1. In accordance with the objectives of counselling the primary focus of the counselling is to identify the shortcoming in work performance or conduct and to jointly resolve the issue.
2. Conducting counselling interviews is a management responsibility.
3. All counselling will be strictly confidential and handled in a consistent and fair manner.
4. NOSS may recommend an employee to an appropriate specialist if the issue is outside the expertise of NOSS staff.

## **Discipline**

1. It is important that this discipline policy be directed towards the improvement of an employee's work performance or conduct and not primarily a punitive approach.
2. Disciplinary action will be instituted for any serious breach of NOSS policies or procedures, or work performance and conduct which does not meet an acceptable level.
3. Other than in cases of misconduct that warrants instant dismissal, the disciplinary procedures will aim to identify and rectify the unsatisfactory work performance or conduct.
4. NOSS will offer the employee the option to bring a support person to all disciplinary meetings.
5. Copies of all relevant documents will be provided to the employee.
6. All matters arising during a disciplinary interview will be kept in the strictest confidence.

## **PROCEDURES**

These procedures are to be read in conjunction with NOSS Complaints Policy.

### **Counselling**

When a shortcoming in work performance is identified, the following steps will be followed:-

1. The employee will be invited to attend a counselling meeting;
2. The General Manager and/or another member of the management team will conduct the meeting and assist in the recording of the interview.
3. At the meeting:
  - The employee will be informed of the purpose of the counselling session in reasonable detail at the beginning of the meeting.
  - Acceptable levels of work performance or conduct will be identified.
  - Methods to achieve such, including time frames and review dates (if necessary) will be notified by NOSS.

4. As soon as possible following the meeting, both the interviewer and employee will sign and date the Record of Interview. If the employee refuses to sign, a notation should be made to that effect.
5. If requested a copy of the Record of Interview will be provided to the employee and a copy will be placed on the employee's personal file.

## **Discipline**

The disciplinary process will be conducted by the Board of Governance, General Manager, or a person delegated by the General Manager. All references to "General Manager" will include the Board of Governance, General Manager or a person delegated by the General Manager.

Depending on the severity of an employee's unacceptable work performance or conduct and any previous Warnings, the disciplinary process will commence at either First Warning, Final Warning or Misconduct.

### **1. First Warning**

If an allegation is made of unacceptable work performance or conduct, the following procedure will be followed:

1. The employee will be given the option of at least 24 hours notice to attend a disciplinary interview, together with written details of the allegation. Failure to attend, without a valid reason, will be considered grounds for dismissal.
2. The employee will be offered the opportunity to have a support person present. If the employee declines this offer they must sign at the appropriate place on the Record of Interview or a notation made to this effect.;
3. The General Manager will make provision for a person to record the interview.
4. The employee will be given all details relating to the allegation, including provision of any witness statements and documentation.
5. The employee will be invited to present his or her version of events. An employee will be given up to 24 hours if they wish time to prepare a defence.
6. The General Manager will evaluate the employee's response and carry out any further investigations to ensure that all relevant facts have been verified to their satisfaction.
7. The employee will be asked to acknowledge on the Record of Interview that it is a fair and accurate account of the interview. If the employee refuses to sign, a notation should be made to that effect.
8. If, following the investigation, the General Manager determines that the allegation is proven, the employee will be issued with a first warning, and asked to sign to acknowledge receipt. If the employee refuses to sign, a notation should be made to that effect.
9. A review date may be set to monitor the employee's work performance or conduct.
10. The General Manager will determine whether the employee should undertake counselling and/or additional training.
11. Copies of completed documentation will be given to the employee if requested and a copy will be placed on the employee's personal file.

## **2. Final Warning**

If an employee's work performance or conduct continues at an unacceptable level or should a further allegation be made of unacceptable work performance or conduct, the following procedure will be followed:

1. If the General Manager determines suspension is warranted, the employee will be suspended on full pay to allow the General Manager to fully investigate all of the circumstances relating to the alleged unacceptable work performance or conduct.
2. The employee will be given at least 24 hours notice to attend a disciplinary interview together with written details of the allegation. Failure to attend, without a valid reason, will be considered grounds for dismissal.
3. The employee will be advised that if the allegation against the employee is proven a final warning will be issued which could lead to termination of employment.
4. The employee will be offered the opportunity to have a support person present. If the employee declines this offer they are to sign at the appropriate place on the record of Interview or a notation made to this effect.
5. The General Manager will make provision for a person to record the interview.
6. The employee will be given all details relating to the allegation, including provision of any witness statements and documentation.
7. The employee will be invited to present his or her version of events. An employee will be given up to 24 hours if they wish time to prepare a defence.
8. The General Manager will evaluate the employee's response and carry out any further investigations to ensure that all relevant facts have been verified to their satisfaction.
9. The employee will be asked to acknowledge on the Record of Interview that it is a fair and accurate account of the interview. If the employee refuses to sign, a notation should be made to that effect.
10. If, following the investigation, the General Manager determines that the allegation is proven the employee will be issued with a final warning and asked to sign to acknowledge receipt. If the employee refuses to sign, a notation should be made to that effect.
11. The General Manager will determine whether the employee should undertake counselling and/or additional training.
12. A review date may be set to monitor the employee's work performance or conduct.
13. Copies of completed documentation will be given to the employee if requested and a copy will be placed on the employee's personal file.

## **3. Termination of Employment**

If an allegation is made of unacceptable work performance or conduct, following a Final Warning or an allegation of misconduct an employee may be dismissed.

Any action of an employee that amounts to misconduct may lead to summary dismissal without any prior warning being given. The first and final warning procedure of this policy does not apply to misconduct.

The following matters are considered by NOSS to be acts of misconduct:

- Any form of abuse, including: sexual, physical, emotional and verbal abuse of employees or clients of NOSS or the general public;
- Theft of monies or property of NOSS or any associated parties;
- Conduct that causes imminent and serious risk to the health or safety of employees, clients or the general public whilst on duty;
- Attending work intoxicated by drugs and/or alcohol;
- Sexual activity whilst on duty;
- Fighting whilst on duty; and
- Any other matter considered to be misconduct that justifies summary dismissal at Common Law.

In the case of alleged misconduct, the following procedure will be followed:

1. If the General Manager determines suspension is warranted, the employee will be suspended on full pay to allow the General Manager to fully investigate all of the circumstances relating to the alleged unacceptable work performance or conduct.
2. The employee will be given at least 24 hours notice to attend a disciplinary interview together with written details of the allegation. Failure to attend, without a valid reason, will be considered grounds for dismissal.
3. The employee will be offered the opportunity to have a support person present. If the employee declines this offer they are to sign at the appropriate place on the record of Interview.
4. The employee will be advised that if the allegation against the employee is proven this could lead to termination of employment.
5. The General Manager will make provision for a person to record the interview.
6. The employee will be given all details relating to the allegation, including provision of any witness statements and documentation.
7. The employee will be invited to present his or her version of events. An employee will be given up to 24 hours if they wish time to prepare a defence.
8. The General Manager will evaluate the employee's response and carry out any further investigations to ensure that all relevant facts have been verified to their satisfaction.
9. The employee will be asked to acknowledge on the Record of Interview that it is a fair and accurate account of the interview. If the employee refuses to sign, a notation should be made to that effect.
10. If following the investigation the General Manager determines that the allegation is proven, the employee will be issued with a Letter of Dismissal explaining the reasons behind the decision.
11. Copies of completed documentation will be given to the employee if requested and a copy will be placed on the employee's personal file.