## S14: STAFF DISCIPLINE

#### POLICY

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| The basis for good discipline is a clear understanding of the standards in job performance, personal conduct, work relationships, work rules, regulations and customs by all employees.The Chief Executive Officer and the Directors must therefore ensure that:* Disciplinary policies and associated expectations and standards are clearly communicated to employees upon commencement of employment.
* Any changes to policy are clearly communicated to each employee.
* There must be a clear statement about the consequences of serious breaches of discipline.
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#### PROCEDURE

#### Ground rules

Effective discipline should encompass:

* Promptness – act on the issue as soon as possible. There is no point in bringing up issues that are weeks or months old.
* Impartiality and Consistency – don’t pull up one employee and not another one on the same issue. Equal action for all employees.
* Non-punitive – It is important that employees do not feel as though they are being punished.
* Fairness – all employees are to be treated fairly.
* Advance warning – Employees should know what penalties are incurred by a deviation from expected work standards.

#### Fact Finding Process

* The Director should ascertain all relevant facts about the apparent breach of discipline and the employees work record, training and experience.
* The employee should be interviewed as to their explanation of the occurrence
* If at this stage, the Manager is satisfied there has not been a breach, the matter is closed.

#### A Breach has Occurred

* If it is determined a breach has occurred, the following steps should be taken.

#### Educative Interview

* If the breach is of a minor nature and has not occurred in the past, hold an educative discussion aimed at helping the employee to perform appropriately.

#### Review

* A review date should be set and follow up by the Manager. This does not constitute a formal warning and no notation will be made to the personnel file, except that an interview was held and the date of the interview.
* The employee should be informed of the consequences of further violations.

#### Disciplinary Interview

* Involves a formal written statement. This is more serious than the educative interview with a verbal reprimand, and should be used if the employee has not improved after an educative interview OR if the nature of the breach is very serious.

#### Prior Warning

* The employee should be given prior warning in writing of the breach and the interview at least 24 hours prior to the interview. They should be informed of their right to have a union representative or other support person present.
* A copy of this warning should be placed on the staff member’s personnel file.

#### Documenting the Interview

* The Manager together with the Chief Executive Officer and, if necessary, a representative of the Board of Management should interview the employee.
* A written account will include:

A statement of the problem

Reference to any prior action taken e.g. verbal warning

The consequences of any future violations

A review date. This should be signed by the manager and the staff member.

A signed copy of management requirements in future of the offending employee must be placed on file.

### Discipline Options

#### Breaches

The following are examples of discipline when they occur in the work environment.

* Unsatisfactory work performance

Failure to perform duties efficiently and safely

Negligence

Action compromising safety or endangering another staff member’s safety

Absence from duty without proper notification or acceptable reason

Falsification of timesheets or any other method of registering times of commencement or ceasing duty for which salary and wages are claimed

* Unsatisfactory behaviour

Dishonesty

Wrongful disclosure of confidential information

Falsification of a record, document, etc

Showing signs of having taken alcohol or drugs

Wilful disobedience of a lawful instruction

Insolence or abuse

Insubordination

#### Dismissal

If the Chief Executive Officer, the Director and the Board of Management representative believe that dismissal is the only alternative left in a particular case they should conduct a final interview with the staff member who may request the presence of a union official or other support person.

The staff member may tender a voluntary resignation, be dismissed with the prescribed notice or dismissed immediately with pay in lieu of notice. If dismissed, the employee will be given notice in writing.

#### Grounds for Summary Dismissal

There is no rule of law defining precisely the degree of misconduct, which warrants summary dismissal. Suffice it to say that if an employee does something “which is incompatible with the due or faithful discharge of his or her duty to his or her employers, he or she may be dismissed without notice”.

* Grounds for summary dismissal include:

Wilful disobedience

Insubordination

Drunkenness

Violence

Obscenity

Dishonesty

Falsifying time sheets

A question of degree would always be involved, as one act may sometimes be sufficient. If the act appears to have been condoned by the organisation, that is, it was common practice and the employer was aware of it, then summary dismissal will probably not result.

Prior to any decision to dismiss an employee all appropriate documentation should be made available to the Board of Management.

* Where it is deemed necessary to dismiss an employee:

The Board of Management has the delegated authority to terminate the services of the Chief Executive Officer and the Directors.

The Board of Management has the delegated authority to terminate the services of other staff.

#### Suspending on Full Pay

In some circumstances suspending an employee may be warranted. For example, for behaviour endangering safety or impeding the organisation’s functioning, or for other serious reasons that warrant the employee being excluded from the workplace.

This is an interim measure and a final decision on how the staff member’s breach will be handled should be made as soon as possible.

Suspension is always with pay until a decision is reached.

#### Abandonment of Employment

When an employee does not report for duty over three consecutive days without notification to their manager of the reason for their absence, a registered letter or hand delivered letter is to be sent to their home address during the third day by the manager, advising that unless duty is resumed within two rostered working days or an acceptable explanation is provided to the Director, the employee shall be regarded as having abandoned their employment.

If the manager considers that the staff member has abandoned employment, the Chairperson of the Board of Management should be informed.

Once it is confirmed that the employee has terminated employment by abandonment, the Board of Management should notify in writing that “by reason of abandonment, their employment is terminated”.

Wages may be forfeited by the employee abandoning employment.

#### Employee Unfit for Duty

If an employee is deemed to be unfit for duty as a result of the influence of alcohol, drugs or other psychological reason, the following action should be taken:

* The employee should be informed that they are unfit for duty and where appropriate, disciplinary action will be taken upon return to work.
* The employee in question should be sent home from the workplace. The manager who has sent the employee home has a moral obligation to ensure the employee does not drive home and arrives home safely.
* Following return to work of the employee disciplinary action (where appropriate) should be taken.

#### MEASUREMENT

* Record of Complaints
* Record of Counselling sessions attended by staff members
* Exit Interview

#### RESPONSIBILITIES

* Board of Management
* Chief Executive Officer
* Directors
* All staff members

#### STANDARDS and COMPLIANCE

*Community Care Common Standard 1.1 Corporate Governance*

*Community Care Common Standard 1.7: Human Resource Management*

*Disability Service Standard 4: Feedback and Complaints*

*Disability Service Standard 4: Feedback and Complaints*

*Disability Service Standard 6: Service Management*

**OTHER RELEVANT POLICIES**

S8 Staff Supervision and Support

S10 Staff Appraisal

S14 Staff Performance Dispute