

Shire of Wiluna Policy Manual

DISCIPLINARY POLICY

Policy 7.5

SHIRE OF WILUNA

Disciplinary Policy

Policy Statement

The **Shire of Wiluna** may from time to time consider that issues of employee behaviour, misconduct or unacceptable performance levels require disciplinary action.

Application

This policy applies to all employees who work at **Shire of Wiluna** including contractors, volunteers and any person performing work for or with the **Shire of Wiluna** in any capacity.

Commitment

The **Shire of Wiluna** is committed to providing the best possible service and ensuring its employees perform and conduct themselves in accordance with **Shire of Wiluna** policies, procedures and guidelines (Policies). Any disciplinary procedure will be applied in a consistent, fair and objective manner, and it will ensure that, where reasonable, employees are given an opportunity and assistance to improve.

Authority to take Disciplinary Action

Disciplinary action may only be taken when authorised by the Chief Executive Officer **or other appropriate senior manager** or other more senior positions in that Department's reporting line. The authorising officer may only approve disciplinary action after consultation with Chief Executive Officer.

When the Disciplinary Policy Applies

Some examples of when this policy may be invoked include breaches of **Shire of Wiluna** policy and procedures including, but not limited to:

- breaches of the Code of Conduct such as failing to disclose a conflict of interest, or accepting a prohibited gift; or
- poor performance such as frequently attending for work late or producing a poor quality of work; or
- inappropriate personal behaviour such as theft, violating the Discrimination, Harassment and Bullying Policy, Cultural Values or wilfully disobeying a lawful instruction.

Shire of Wiluna Policy Manual

General Disciplinary Principles

The following principles will apply to any disciplinary action taken.

- **Nature of allegation and investigation:** Before formal disciplinary action is taken against an employee, the nature of the allegations made against an employee will be put to the employee and an investigation may ensue, in accordance with the Grievances, Investigations & Resolution Policy and Procedure.
- **Right to a support person:** Where an employee is required to attend a formal meeting regarding a disciplinary matter or procedure, the employee may be accompanied by a support person where practicable. The role of a support person is not to advocate on behalf of anyone, but to simply provide emotional or other support.
- **Confidential:** All parties must keep matters related to a disciplinary process confidential.
- **Fair and impartial:** The **Shire of Wiluna** strives to keep the disciplinary process fair and impartial, meaning that all parties involved will have an opportunity to put their case forward and be given an opportunity to respond.

Serious Misconduct

Serious misconduct includes, but is not limited to:

- wilful or deliberate behaviour by an employee that is inconsistent with the continuation of the contract of employment;
- conduct that causes serious and imminent risk to:
 - the health or safety of a person; or
 - the reputation, viability or profitability of the **Shire of Wiluna's** organisation;
- the employee, in the course of the employee's employment, engaging in:
 - theft; or
 - fraud; or
 - assault;
- the employee being intoxicated at work; or
- the employee refusing to carry out a lawful and reasonable instruction that is consistent with the employee's contract of employment.

If an employee engages in serious misconduct, disciplinary action that may be taken includes, but is not limited to, summary dismissal (termination of employment without notice).

Other Disciplinary Action

With the exception of serious misconduct, where an employee has engaged in an act or omission which is inconsistent with any of the **Shire of Wiluna's** Policies, the employee could be disciplined as follows:

- **Verbal warning** – Where an employee engages in an act or omission which is inconsistent with the Policies, management has the discretion to issue

Shire of Wiluna Policy Manual

the employee with a verbal warning. The verbal warning should be noted in a file note and placed on the employee's personnel file.

- **Written warning** – If the employee engages in a more serious act or omission or acts in a manner which is inconsistent with the Policies, management has the discretion to issue the employee with a written warning. The employee must be given a copy of the written warning.
- **Termination of employment with notice** – In cases other than summary dismissal, an employee's employment may be terminated with notice or payment in lieu of notice provided the **Shire of Wiluna** has a valid reason for terminating the employee's employment and the employee has an opportunity to respond to the reasons for termination.

Whenever an employee is required to attend a meeting regarding a disciplinary issue, the employee may have a support person present where practicable. The type of disciplinary action taken against an employee is at the **Shire of Wiluna's** discretion and the type of disciplinary action will depend on the seriousness and frequency of any misconduct or performance issue.

Principles to be Applied

Where disciplinary action is taken, the principles of procedural fairness must prevail. These principles are expanded on in the **Shire of Wiluna's** Grievances, Investigations, and Resolutions Procedure.

Investigation Procedures for Alleged Misconduct

Investigations into alleged misconduct should follow the processes detailed in the **Shire of Wiluna's** Grievances, Investigations, and Resolutions Policy and Procedure.

Reporting Obligations

If an officer or employee of the **Shire of Wiluna** has reporting obligations pursuant to the *Corruption and Crime Commission Act 2003 (WA)* and suspects on reasonable grounds that a matter arises which concerns or may concern misconduct, the Corruption and Crime Commission must be notified of that matter as soon as reasonably practicable.

Employees must also be aware of and adhere to any obligations pursuant to the *Public Interest Disclosure Act 2003 (WA)*.

Variation to this Policy

This policy may be cancelled or varied from time to time. All the organisation's employees will be notified of any variation to this policy by the normal correspondence method.

Shire of Wiluna Policy Manual

Related Corporate Documents

- Managing and Developing Performance Guideline
- Grievances, Investigations, and Resolutions Policy
- Grievances, Investigations, and Resolutions Procedure
- Code of Conduct

Document Control	
Responsible Directorate	Office of the CEO
Relevant Section	Human Resources
Legislative Requirement	
Council Meeting Held & Adopted, Resolution #	23 March 2017 043/17
Amendments, Date & Resolution #	
Review Dates & Resolution # #	
Next Review Date	