

**WANGARATTA RSL SUB-BRANCH Inc
DISCIPLINARY POLICY AND PROCEDURE**

July 2022

1. POLICY STATEMENT

- (a) The Wangaratta RSL recognises that, during the employment relationship, there may be occasions on which an employee's behaviour or work performance requires disciplinary action.
- (b) The Wangaratta RSL is committed to carrying out necessary disciplinary processes in a fair and consistent manner, and to acting in accordance with all relevant award and collective agreement provisions. The Wangaratta RSL seeks to emphasise the corrective and educative role of disciplinary action.
- (c) Notwithstanding the above, in cases of serious misconduct, the Wangaratta RSL reserves the right to summarily dismiss an employee without notice.
- (d) This policy clarifies the processes and procedures for disciplinary action.

2. TO WHOM DOES THIS POLICY APPLY?

This policy applies to all employees, regardless of level within the organisation.

3. DISTRIBUTION OF POLICY

- (a) Prior to implementation of the policy, all employees will be made aware of the policy at staff meetings and the policy will be made available on the noticeboard.
- (b) Following implementation of the policy, the policy will form part of the induction of new employees.

4. WHEN DISCIPLINARY ACTION IS APPROPRIATE

- (a) Disciplinary action may occur where there is a concern with respect to a employee's performance or conduct in the workplace. Informal counselling, may take place first, where appropriate.
- (b) Examples of behaviour that may lead to disciplinary action include, but are not limited to, issues such as poor performance, lack of punctuality, theft or other criminal conduct, failure to adhere to the Wangaratta RSL policies and failure to adhere to lawful and reasonable directions.

5. EMPLOYEE'S REPRESENTATION DURING DISCIPLINARY PROCEDURES

- (a) Where an employee is requested to attend a disciplinary meeting, the employee shall always have the option of having a representative of the employee's choosing in attendance at that meeting.

6. DISCIPLINARY PROCEDURES

6.1 Informal Counselling

- (a) Where there is a concern with an employee's performance or conduct, the first step, if appropriate, may be an informal counselling session. The employee will be advised of the problem, and an agreed strategy for dealing with the problem will be identified. For example, the employee may require training or other assistance to help him or her overcome the problem, or there may be underlying issues to resolve. The situation will be reviewed within an agreed time frame.

6.2 Formal Warning

- (a) Where informal counselling is not appropriate or where the problem is of a more serious nature, or there is a further instance of inappropriate behaviour (whether or not it is of the same nature as the initial problematic behaviour), a formal discipline meeting will occur.
- (b) Prior to the meeting, the employee will be provided with a letter containing a written outline of the allegations. The letter will request that the employee attend a meeting to respond to the allegations and indicate that the employee may have a representative in attendance. The letter will indicate that disciplinary action may occur if the response is not satisfactory.
- (c) The meeting will be attended by up to two management representatives (one of whom may be a legal or industrial representative of the Employer). One of these parties will act as note-taker to record events.
- (d) At the meeting, the employee will be given an opportunity to respond to the allegations.
- (e) Following the meeting, the Wangaratta RSL will make a decision as to whether to give the employee a formal warning, or whether other action should be taken (for example, further training), or whether no action should be taken at all.
- (f) The Wangaratta RSL will advise the employee of their decision in writing. In the instance where a formal warning is issued to the employee the warning may state that any further instance of the behaviour may result in termination of employment.
- (g) A written record of the decision will be placed on the employee's file.

6.3 Termination of Employment

- (a) Where there is a further instance of inappropriate behaviour (whether or not it is of the same nature as the initial problematic behaviour), a further meeting will be convened.
- (b) Prior to the meeting, the employee will be provided with a letter containing a written outline of the allegations. The Wangaratta RSL will request that the employee attend a meeting to respond to the allegations and indicate that the employee may have a representative in attendance. The letter will indicate that termination of employment may occur if the response is not satisfactory and will alert the employee to the fact that a previous written warning(s) has been issued.

- (c) The meeting will be attended by up to two management representatives. One of these parties will act as note-taker to record events.
- (d) At the meeting, the employee will be given an opportunity to respond to the allegations.
- (e) Following the meeting, the Wangaratta RSL will consider the employee's response and will then make a decision as to whether to dismiss the employee, or whether other action should be taken (such as further training), or whether no action should be taken at all.
- (f) The Wangaratta RSL will advise the employee of their decision. A written record of the decision will be handed to the employee and placed on the employee's file.
- (g) If dismissal occurs, the employee will be provided with a statement of service containing details of duties performed and date of commencement and cessation of work. No further reference will be provided. The employee will be provided with a termination payment constituting appropriate notice and accrued entitlements.

7. SERIOUS MISCONDUCT AND SUMMARY DISMISSAL

7.1 Summary dismissal may occur in cases of serious misconduct. The Wangaratta RSL representatives will investigate and carefully consider the facts of any situation where a summary dismissal is considered, to ensure that summary dismissal is justified.

7.2 What Constitutes Serious Misconduct?

- (a) Serious misconduct will be defined in accordance with the *Fair Work Act 2009*. Serious Misconduct by an employee in the course of the employee's employment, includes:
 - theft; or
 - fraud; or
 - assault; or
 - 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.

7.3 Procedure for Summary Dismissal

- (a) The employee will be advised as soon as possible after the behaviour occurs that the Wangaratta RSL is concerned that the behaviour may constitute serious misconduct. The employee will be advised that they will be required to attend a meeting to respond to the allegations.
- (b) The employee may be put on special paid leave pending the meeting.
- (b) Prior to the meeting, the employee will be provided with a letter containing a written outline of the allegations. The letter will request that the employee attend a meeting to respond to the allegations and indicate that the employee may have a representative in attendance. The letter will indicate that dismissal or other disciplinary action may occur if the response is not satisfactory.
- (c) The meeting will be attended by up to two management representatives (one of whom may be a legal or industrial representative of the Employer). One of these parties will act as note-taker to record events.

- (d) At the meeting, the employee will be given an opportunity to respond to the allegations.
- (e) Following the meeting, the Wangaratta RSL will consider the employee's response and will then make a decision as to whether to dismiss the employee, or whether other action should be taken (such as a formal warning and further training), or whether no action should be taken at all.
- (f) The Wangaratta RSL may choose to issue the employee with a formal warning and confirm that any further instances of misconduct will be treated as serious misconduct and lead to summary dismissal.
- (g) The Wangaratta RSL shall advise the employee of their decision. A written record of the decision will be handed to the employee and placed on the employee's file.
- (i) If dismissal occurs, the employee will be provided with a statement of service containing details of duties performed and date of commencement and cessation of work. No further reference will be provided.

8. EVALUATION AND REVISION OF POLICY

This policy will be reviewed every three years. Special reviews will be undertaken where there are substantial changes in legislative provisions.

This Policy was adopted by the Wangaratta RSL Sub-Branch at a meeting of the committee held on the 21st July 2022 and is effective immediately.

Due for review July 2025.