




Policy Title: **DISCIPLINARY POLICY AND PROCEDURES**

Policy Type: **HUMAN RESOURCES**
 (Statutory, Financial, Administrative, Human Resources)

Policy Number: **HR003**

Approved by Council	Previous Review	Current Review	Next Review
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Implementation Department		Officer Position	
Corporate Services		Director Corporate Services	
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1. Policy Background/Scope:

This Policy is to define the principles for the management of disciplinary matters at Aurukun Shire Council. The objectives of this policy are to:

- set standards for disciplinary action where unsatisfactory work performance or conduct exists; and
- promote fairness and order in the treatment of individuals and in the conduct of employee relations matters; and
- ensure procedural fairness and the adequacy of steps taken in coming to a decision to discipline or dismiss an employee, and
- ensure compliance with guidelines set out by the Crime and Corruption Commission of Queensland (CCC) on reportable matters.

2. Policy Provisions:

The Council is committed to the fair and equitable management of the workforce. Employees will be counselled and where necessary disciplined for unsatisfactory work performance or conduct.

Unsatisfactory work performance and conduct may typically include:

- a) proven inefficiency or incompetence in the performance of duties or failure to follow Council policies or Supervisory directions; and
- b) punctuality and attendance problems, leaving the place of employment without permission, extended meal breaks, and absenteeism; and
- c) failure to observe safe work practices or instructions issued by Supervisory staff for the safe operation of Council's plant and equipment.

Policy breaches of the Workplace Health and Safety Policies and Procedures could lead to termination, under unsatisfactory work performance and/or conduct.

Definitions:

Act means the *Local Government Act 2009*

Conduct means an employees performance or behaviour in the workplace.

Counselling means A process of communication between more than one person to remedy a problem or issue affecting the workplace and the employee/ employer's performance.

Dismissal means termination of employment.

Regulation means the *Local Government Regulation 2012*.

Support Person means an appropriate representative elected by the employee to participate in any of the outlined processes and communications.

Disciplinary Action

The Chief Executive Officer may take disciplinary action against an employee in accordance with Section 279 of the Regulation if the Chief Executive Officer is satisfied that the employee has:

- (a) failed to perform their responsibilities under the Act; or
- (b) failed to perform a responsibility under the Act in accordance with the local government principles; or
- (c) taken action under the Act in a way that is not consistent with the local government principles.

This may include the following:

- a breach of the Council's Code of Conduct, policy or procedure;
- action or inaction which constitutes a breach of duty/ obligation under relevant legislation and policies; action taken under the Act in a way that is not consistent with the local government principles, and which may include misconduct.
- unapproved lease;
- bringing Council's reputation into disrepute.

Please note that this is not an exhaustive list.

Types of Disciplinary Action

The Regulation states that the types of disciplinary action that can be take may be one (1) or more of the following:

- (a) dismissal
- (b) demotion
- (c) written warning or reprimand

Matters referred to the Crime and Corruption Commission (CCC)

The Crime and Corruption Commission is an independent law enforcement commission set up to combat major crime in Queensland, including organized crime and pedophilia, and official misconduct in the Queensland Public Sector.

Official misconduct refers to any conduct by the public official, related to the official's duties, that is dishonest or lacks impartiality, involves a breach of trust, or is a misuse of officially obtained information. The conduct must amount to a criminal offence or be serious enough to justify dismissal.

The CCC does not usually become involved in case of minor misconduct by public servants, such as rudeness or inefficiency. The conduct must be official misconduct i.e. dishonest, unfair or betray a trust - that amounts to a criminal offence or is serious enough to justify dismissing the person.

The CCC's official misconduct jurisdiction covers Queensland government departments and agencies, schools, universities, hospitals, prisons, local governments, Police, and elected officials of State and Local government.

Crime matters are usually referred to the CCC for investigation by a specially constituted Crime References Committee, which comprises law enforcement experts and community representatives.

Official misconduct investigations are decided by an Assessment Unit; within the CCC. These matters can come to the attention of the CCC through their own intelligence work, through referrals by CEO's and police, or through any member of the public.

The CEO has an obligation to report matters of crime or official misconduct to the CCC that are reported. Reported items do not have to be substantiated with evidence.

It is a requirement of the CCC that all reported matters undergo a formal investigation process. The CCC may request this process to be handled internally by the CEO (who may delegate the investigation to the Director) and the outcome must be reported to the CCC. Alternatively, the CCC may determine to conduct their own formal Investigation.

Responsibilities

The Chief Executive Officer or their delegate is responsible for administering the policy.

Any variation of this policy will only be permitted through the negotiation and agreement of the Chief Executive Officer (CEO) and approval by the Council.

3. Related Documentation:

Code of Conduct
Dispute and Grievance Policy
Alcohol Management Plan
Misconduct or Non-Performance Report