

COUNSELLING & DISCIPLINE POLICY

Overview

Northern Occupational Support Service Inc (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.

Counselling

DEFINITION

For the purpose of this policy, 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 on the job problems.

In order to maximise the value of each employee and to ensure that all issues requiring action are handled consistently and fairly NOSS have adopted the following counselling policy.

An effective counselling policy can have the following benefits for both employee and employer:

- reduction in costs associated with absenteeism, labour turnover, etc;
- retention of experienced staff;
- increased productivity due to improved work performance;
- reduction in industrial accidents with the associated reduction in workers compensation premiums, lost time, etc.
- issues can be identified and solutions proposed;
- work performance and conduct can be evaluated;
- insights and reasons for behaviour can be ascertained; and
- employees can receive support to confront any issues.

COUNSELLING POLICY

1. Counselling will assist employees to be more independent and capable of resolving their own problems.
2. Any employee who is identified by management for counselling will not be disadvantaged in any respect.
3. Conducting counselling interviews is a management responsibility.
4. All counselling will be strictly confidential and handled in a consistent and fair manner.
5. NOSS may refer an employee to an appropriate specialist if the issue is outside the expertise of NOSS staff.

PROCEDURES

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 construct a program to overcome those problems.

The following steps must be followed:-

1. The employee must be given the option of 24 hours notice of the counselling meeting including an overview of the subject matter;

2. The General Manager may make provision for a person of his choice to assist in the recording of the interview using Form 1- Counselling Interview.
3. The employee must be informed of the purpose of the counselling session in reasonable detail at the beginning of the meeting.
4. Clearly identify acceptable levels of work performance or conduct and agree on methods to achieve such, including time frames and review dates.
5. Both the interviewer and employee will sign and date Form 1- Counselling Interview. If the employee refuses to sign, a notation should be made to that effect.
6. Provide the employee with a copy of Form 1 – Counselling Interview and place a copy on the employee’s personal file.

Discipline

DEFINITION

Discipline is a process centred on encouraging an employee’s compliance with defined standards by utilisation of a clearly outlined and progressive framework.

It is important that this discipline policy be directed towards the improvement of an employee’s work performance or conduct and is not primarily towards a punitive approach.

DISCIPLINE POLICY

1. Disciplinary action may be instituted for any breach of NOSS policies or procedures, for work performance and conduct which does not meet an acceptable level.
2. Disciplinary action will only be instituted in accordance with the procedure set out in this policy.
3. Other than in cases of misconduct that warrants instant dismissal, the disciplinary procedures will be directed to the identification and rectification of the unsatisfactory work performance or conduct.
4. The employee is entitled to representation at all disciplinary sessions. It the responsibility of NOSS to offer each employee this right.
5. All matters arising during a disciplinary interview will be kept in the strictest confidence and copies of any relevant documents will be provided to the employee.

PROCEDURES

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, the disciplinary process will commence at either Step 1 – First Warning, Step 2 – Final Warning or Misconduct.

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

STEP 1 – First Warning

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

1. Giving at least 24 hours notice, the employee will be requested to attend a disciplinary interview and advised of the details of the allegation, using Form 2 – Request for Discipline Interview. Failure to attend will be considered grounds for dismissal.
2. The employee will be offered the opportunity to have a witness or other representative present. If the employee declines this offer they must sign at the appropriate place on Form 3 – Discipline Interview;
3. The General Manager will make provision for a person to record the interview in accordance with Form 3 – Discipline Interview;
4. The employee will be told all relevant associated facts, including provision of all witness statements and documentation.
5. The employee will be allowed the opportunity to present his/her version of the facts. If an employee wishes time to prepare a defence, up to 24 hours will be allowed.
6. The General Manager will evaluate the employees response and carry out further investigations as might be required to satisfy the General Manager that all relevant facts have been established and verified
7. The employee will be asked to acknowledge on Form 3 - Discipline Interview that the record is a fair and accurate report of the interview.
8. If, following the investigation, the General Manager determines that the allegation is proven, the employee will be issued with a warning, and asked to sign to acknowledge receipt, using Form 4 – First Written Warning;
9. A review date will be set to monitor the employee’s work performance or conduct.
10. Copies of completed Forms 3 and 4 will be distributed to:-
 - employee
 - supervisor
 - General Manager

STEP 2 – Final Warning

If an employee’s work performance or conduct continues at an unacceptable level or should a further incident occur 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. Giving at least 24 hours notice, the employee will be requested to attend a disciplinary interview and advised of the details of the allegation, using Form 2 – Request for Discipline Interview. Failure to attend will be considered grounds for dismissal.

3. The employee will be advised that this is the second stage of the discipline procedure and that if the allegation against the employee is proven a final warning will be issued which could lead to termination of employment.
4. The General Manager will make provision for a person to record the interview in accordance with Form 3 – Discipline Interview.
5. The employee will be offered the opportunity to have a witness or other representative present. If the employee declines this offer they are to sign at the appropriate place on Form 3 – Discipline Interview.
6. The employee will be told all relevant associated facts, including provision of all witness statements, documentation etc.
7. The employee will be invited to present his or her version of events. If an employee wishes time to prepare a defence, up to 24 hours will be allowed.
8. The employee's response will be evaluated and investigated by the General Manager to ensure all relevant facts have been established and verified.
9. The employee will be asked to acknowledge on Form 3 – Discipline Interview that the record is a fair and accurate report of the interview.
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, using Form 5 - Final Warning.
11. The General Manager will establish whether counselling and/or additional training might be required.
12. A date for a review of the employee's work performance or conduct will be set;
13. Copies of completed Forms 3 and 5 will be distributed to:-
 - employee
 - supervisor
 - General Manager

STEP 3 – Termination of Employment

If an employee's work performance or conduct continues at an unacceptable level, or should a further incident occur following a Final Warning or in a case of misconduct, the following procedure will be followed:

1. Giving at least 24 hours notice, the employee will be requested to attend an interview and advised of the details of the allegation, using Form 6 – Request for Final Discipline Interview. Failure to attend will be considered grounds for dismissal.
2. The employee will be advised that this is the final stage of the discipline procedure and that it may lead to termination of employment.
3. The General Manager will make provision for a person to record the interview in accordance with Form 7- Final Discipline Interview.
4. The employee may be suspended on full pay to allow an opportunity for a full investigation of all of the circumstances relating to the alleged unsatisfactory work performance or misconduct.

5. The employee will be counselled that it would be appropriate to have a witness or other representative present. If the employee declines this offer they are to sign at the appropriate place on Form 7 – Final Discipline Interview;
6. The employee will be advised of all the relevant facts, witness statements and other documentation.
7. The employee will be invited to present his or her version of events. If an employee wishes time to prepare a defence, up to 24 hours will be allowed.
8. The employee will be asked to acknowledge on Form 7 – Final Discipline Interview that the record is a fair and accurate report of the interview.
9. The employee's response will be evaluated and investigated by the General Manager to ensure all facts have been established and verified.
10. If following the investigation the General Manager determines that the allegation is proven, the employee will be issued with a Notice of Dismissal and asked to sign to acknowledge receipt, using Form 8 – Notice of Dismissal
11. Copies of the completed Forms 7 and 8 must go to:-
 - employee
 - supervisor
 - General Manager

MISCONDUCT

Any action of an employee that amounts to misconduct may lead to dismissal without notice.

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 whilst on duty;
- 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.

Conduct warranting instant dismissal will be subject to the following procedure which must be implemented without delay:-

1. The employee will be suspended on full pay to allow an opportunity for a full investigation of all of the circumstances relating to the alleged misconduct.
2. Giving at least 24 hours notice, the employee will be requested to attend an interview and advised of the details of the allegation, using Form 6 – Request for Final Discipline Interview. Failure to attend will be considered grounds for dismissal.

3. The employee will be advised that the alleged behaviour is viewed as misconduct and that it may lead to immediate termination of employment;
4. The General Manager will make provision for a person to record the interview in accordance with Form 7 – Final Discipline Interview.
5. The employee will be counselled that it would be appropriate to have a witness or other representative present. If the employee declines this offer they are to sign at the appropriate place on Form 7 – Final Discipline Interview.
6. The employee is to be advised of all the relevant facts, witness statements and other documentation.
7. The employee will be invited to present his or her version of events. If an employee wishes time to prepare a defence, up to 24 hours must be allowed.
8. The employee will be asked to acknowledge on Form 7- Final Discipline Interview that the record is a fair and accurate report of the interview.
9. The employee's response will be evaluated and investigated by the General Manager to ensure all facts have been established and verified; and
10. If following the investigation the General Manager determines that the allegation is proven, the employee will be issued with a Notice of Summary Dismissal and asked to sign to acknowledge receipt, using Form 9 – Notice of Summary Dismissal.
11. Copies of the completed Forms 7 and 9 must go to:-
 - employee
 - supervisor
 - General Manager