

Policy & Procedure HR002

Policy Title:	Employee Conduct and Performance		
Policy Number:	HR002	Effective Date:	16 September 2005
Purpose:	To ensure that all employees are treated fairly and consistently and that action is taken promptly, providing a reasonable opportunity for the employee to improve their performance		
Scope:	This policy relates to all employees of North Central CMA		
Training Assumptions:	All employees will be provided with appropriate training to enable them to understand this policy		
Legislative Context (if relevant):	Code of Conduct – Victorian Public Sector		
References:			
Approved by:	Board		
Next Review Date:	16/9/06		
Documents superseded by this document:	All previous documents/practices relating to employee conduct and performance at North Central CMA		
Relevant forms:			
Key Words:			

EMPLOYEE CONDUCT & PERFORMANCE

CODE OF CONDUCT – Victorian Public Sector

The Victorian Public Sector Code of Conduct outlines the standards of behaviour expected of public sector employees. The code is designed to assist employees understand their responsibilities and obligations. The Conduct Principles guide behaviour in the Victorian Public Sector and the Employment Principles complement these by providing guidance in establishing the right work environment for high standards of behaviour to flourish.

North Central Catchment Management Authority

The North Central CMA is committed to promoting the development of employees so they can contribute to the achievement of the vision and longer term goals of the Authority. However, there may be occasions where disciplinary action is appropriate. In these circumstances fair and equitable disciplinary practices will be observed.

Purpose

The aim of the Authority's disciplinary procedures contained in the Authority's Employee Conduct and Performance policy is to ensure that all employees are treated fairly and consistently and that action is taken promptly, providing a reasonable opportunity for the employee to improve their performance.

The Employee Conduct and Performance policy provides a framework to assist all staff to understand the procedures and actions that can be undertaken to address unsatisfactory performance or unacceptable

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workplace conduct.

Effective Date

16 September 2005

Applicability

All employees of the North Central Catchment Management Authority.

Employee Conduct and Performance

1 Introduction

This policy contains procedures for addressing unacceptable work performance and conduct. The degree of seriousness, repetition and impact of the conduct will determine the appropriate course of action.

The aim of conducting verbal and written warnings is to correct inappropriate conduct by:

- Making an employee aware that what they are doing is inappropriate
- Identifying what behaviour or standard is expected
- Ensuring compliance with appropriate policies, procedures and standards of conduct in the future

Procedures for addressing unacceptable work performance and conduct may consist of:

- Verbal warning
- Written warning
- Dismissal

Confidentiality will be observed in the implementation of this policy wherever possible and where appropriate.

Practical guidelines to assist in implementing each procedure are set out below.

2 Verbal Warning

When is a verbal warning appropriate?

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A verbal warning is often the first step in the disciplinary procedure.

A verbal warning is appropriate when:

- unsatisfactory performance or conduct is first observed or reported; and
- it is considered that the conduct can be adequately addressed through a less formal process.

A verbal warning may be issued by the manager or team leader. However, a verbal warning is not appropriate where the incident or conduct could be considered as more serious.

What are the important elements of conducting a verbal warning?

To be an effective disciplinary tool the verbal warning process should consist of:

1. A statement to the employee identifying:
 - the unacceptable conduct;
 - why it is unacceptable; and
 - the expected standard of conduct
2. An opportunity for the employee to explain his or her conduct;
3. Discussion of means to address the conduct and, if appropriate, timeframe for improvement;
4. Diary note or written record of the above 3 steps.

3 Written Warning

When is a written warning appropriate?

A written warning is appropriate when:

- unsatisfactory performance or conduct has continued despite a verbal warning
- The conduct is of a serious nature, but not so serious as to warrant dismissal.

To determine whether a written warning is appropriate, it is necessary to investigate the unacceptable performance or conduct and interview the employee. The steps for undertaking that process are set out below.

Prior to the interview:

In the period between becoming aware of the unacceptable performance or conduct and conducting the interview, the following steps should be observed:

- The employee is advised if they are not required to continue with their normal duties during the period in which the disciplinary process is followed. In cases of serious misconduct, it may be appropriate to stand down the employee on pay while the investigation of the circumstances is undertaken.
- Advise the employee of:

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- the time, date, place and reason for the interview;
- that a support person, union official or other representative may accompany them to the interview;

If necessary, the employee may be directed to attend the interview.

- Another senior member of staff will be present as a witness at the interview.

At the interview:

1. An employee attending alone should be encouraged to have a support person present.
 - a. The interview may be suspended for a reasonable period of time to enable a support person to attend;
 - b. A refusal to have a support person in attendance should be noted and acknowledged by the employee.
2. The employee will be advised of the reasons for the disciplinary interview:
 - a. Full details of the unacceptable conduct that has led to the interview; and
 - b. The standard of conduct required by North Central CMA.
3. The employee will be provided with an opportunity to explain his or her behaviour.
 - a. The employee may be invited to express their view of whether they consider they have met the standard of conduct required by North Central CMA and if not, why not.
 - b. The employee may put forward information explaining his or her conduct.
 - c. Where it is necessary for the information to be verified, the interview should be suspended while the information is investigated.

It may be necessary to interview other employees or witnesses to verify information. Where it is considered appropriate to continue with the interview following verification of the information, the interview should proceed in the context of any new circumstances.

4. A discussion of the means to address the unacceptable conduct and the timeframe for improvement will be undertaken with the employee.
5. The manager will decide whether the unacceptable conduct, in all the circumstances, merits a "First", subsequent, or "Final" written warning and confirms this with the employee.
6. The Written Warning will record the following:
 - a. The nature of the warning (e.g. first, subsequent or final warning);
 - b. The nature of the unacceptable conduct and exact points of concern;
 - c. The employee's explanation of the conduct;
 - d. The change/improvement that is expected of the employee;
 - e. The time at which the matter will be reassessed;
 - f. The consequences of non-improvement;
 - g. In the case of a "Final" written warning, it must be made clear verbally during the

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interview process and recorded in writing that failing to adequately address the conduct in question may lead to **“termination of employment”**.

7. The manager, employee and witness, sign and date the Written Warning “document”. A refusal by the employee to sign the document should be noted on the document.
8. A copy of the Written Warning is placed on the employee’s personal file and a copy provided to the employee.
9. Subsequent to the interview process, the North Central CMA will undertake such steps it considers appropriate to assist the employee to address their inappropriate behaviour. Depending on the seriousness of the employee’s conduct, these steps may include:
 - a. Written clarification of duties and/or North Central CMA’s policies
 - b. Provision of training and/or mentoring
 - c. Counselling
 - d. Demotion.

4 Dismissal

A North Central CMA employee may be dismissed:

- without prior verbal or written warnings in cases of serious or wilful misconduct. Examples of such misconduct include:
 - theft, including misappropriation of funds;
 - fraud;
 - assault;
 - the employee is intoxicated or under the influence of illicit drugs during work hours or work-related activities such as training courses, conferences, field trips or work functions;
 - or
 - the employee refusing to carry out a lawful and reasonable instruction that is consistent with the employee’s contract of employment.
- where repeated inappropriate conduct is confirmed following a Final Written Warning.

To determine whether dismissal is appropriate, it is necessary to investigate the unacceptable performance or conduct and interview the employee. The steps for undertaking that process are set out below.

Prior to the disciplinary interview

- The employee may be stood down on pay during the disciplinary process.
- The employee will be given notice :

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- of the time, date, place and reason for the interview;
- that a support person, union official, or other representative may accompany them to the interview.
- Another senior member of staff will be present as a witness at the interview.

At the disciplinary interview:

A comprehensive record of the interview will be made and placed on the employee's personal file upon completion of the interview.

1. The employee will be advised that the disciplinary interview is to determine whether he/she should be dismissed.
2. An employee attending alone should be encouraged to have a support person present.
 - a. The interview may be suspended for a reasonable period of time to enable a support person to attend;
 - b. A refusal to have a support person in attendance should be noted and acknowledged by the employee.
3. The employee will be advised of the exact reasons for the proposed dismissal.

Where the dismissal is the result of repeated unacceptable conduct that has resulted in a Final Written Warning, these reasons must be consistent with the reasons cited in previous written warning(s).

4. The employee will be provided with an opportunity to explain his or her behaviour.

Where the employee puts forward information in mitigation of the conduct, and it is necessary for the information to be verified, the interview should be suspended while the information is investigated. This may include collecting data and interviewing other employees or witnesses. Where it is considered appropriate to continue with the interview following verification of the information, the interview will proceed in the context of the new circumstances.

5. Proper consideration will be given to any explanation and any additional information. The employee will then be advised whether he or she is going to be dismissed, including whether the employee will be subject to summary dismissal or dismissal with notice.
6. The employee will be given the opportunity for any final response.
7. The employee will be provided with a written notice of termination, authorised by the Chief Executive Officer or his/her representative, setting out the date and reasons for the dismissal, together with advice regarding the payment of any entitlements.
8. A copy of the written notice of termination will be placed on the employee's personal file.