

## YMCA Geelong – Disciplinary and Termination Policy



### OFFICE USE ONLY

Policy Number	Date Approved	Date Last Amended	Status
YG 161-O	23/08/2017	06/04/2017	APPROVED -CEO

### 1. DISCIPLINARY AND TERMINATION POLICY

#### 2. INTRODUCTION

YMCA Geelong is committed to fostering a harmonious work environment that supports a positive employee relations culture, a safe work environment, and provides employees with information regarding appropriate performance standards and workplace behaviour.

This policy is designed to ensure that when discipline and termination issues arise, the principles of procedural fairness are applied and appropriate standards are met when terminating employment. Supporting Procedures and Resources are available to guide Managers through the process.

This Policy and the associated Procedure and Resources should not be interpreted or construed as forming a part of an employee's terms and conditions of employment (including his or her contractual entitlements). The Policy and Procedure serve only as a framework or guideline in relation to managing performance. Accordingly, any failure to follow any steps set out in this document will not nullify the ramifications of any performance shortcoming and / or misconduct which would justify a later step in the proceedings, even though an earlier step has not been carried out.

#### 3. POLICY

##### 3.1 Policy Statement

YMCA Geelong aims to give each employee every opportunity and encouragement to perform to the best of his/her ability. YMCA also has a reasonable expectation that employees, who present themselves as capable of performing in a certain position, will fulfill their duties adequately and responsibly and will conduct themselves in a proper and professional manner.

In all areas of employment, occasions may arise when the implementation of some form of disciplinary action is necessary, in the event that the performance or conduct of an employee is unsatisfactory or unacceptable.

Should an occasion arise which warrants the implementation of one or more stages of the formal warning procedure as set out below, at each stage the employee will be notified of the possibility of dismissal should there be no adequate improvement in performance and/or conduct, as the case may be.

Except in cases which warrant summary dismissal, adequate formal warnings will be given in order to bring the reasons for dissatisfaction out into the open. In any event, the employee will be given an adequate opportunity to respond to the allegations or concerns regarding his/her performance and/or conduct and will in appropriate circumstances be entitled to have a representative or support person present at a disciplinary meeting.

### **3.2 Areas that may require disciplinary action**

Areas requiring disciplinary action shall include, but are not limited to, the following:

#### ***Conduct***

- Willful breach of policies and procedures;
- Insubordination;
- Conflict of interest;
- Acts of dishonesty, such as theft;
- Excessive absenteeism;
- Unauthorised absences;
- Repeated lateness for work (i.e. failure to report for work at scheduled start time including returning from breaks and meal times);
- Improper or unauthorized use of paid leave;
- Conviction of a criminal offence which is inconsistent with a continuation of the employment relationship;
- Breach of any anti-discrimination and equal opportunity legislation;
- Obscene language directed towards the employer, fellow staff, volunteers or service users;
- Intoxication at the workplace;
- Removing or misplacing YMCA property or equipment, records, or YMCA documentation without prior approval;
- Refusing to carry out a lawful and reasonable instruction;
- Breach of confidentiality;
- Serious neglect of duty;
- Any other behaviour which would prejudice the name, reputation and interests of YMCA Geelong.

### ***Performance***

- Incompetence or inability to improve;
- Failure to reach performance objectives or goals;
- Failure to carry out duties and responsibilities to the level required of the position;
- Poor work ethic.

### **3.3 Areas that may require termination**

Areas requiring termination shall include, but are not limited to, the following:

- Neglect of duty of a serious nature;
- Acts of dishonesty or theft;
- Assault or threatened assault of another employee or member of the public;
- Drunkenness or improper drug use at the workplace;
- Sexual harassment;
- Gross insubordination, abuse, rudeness or other unacceptable behaviour in the performance of the duties, or failure to comply with a lawful and reasonable instruction;
- Absence from work without reasonable cause;
- Commission of a crime while in the course of employment;
- Falsification or misrepresentation of qualifications or experience at any point during the application process or throughout employment
- Breach of confidentiality or a serious conflict of interest affecting the performance of the duties of the position;
- Obscene or objectionable language where such language is directed towards customers or the Employer;
- Any other behaviour which would prejudice the name, reputation and standing of the YMCA.

### **3.4 Representation / Support**

- 3.4.1** At any stage of the process set out in section 3.7 and 3.8, an employee will be entitled to representation by his or her relevant representative.
- 3.4.2** An employee is entitled to support at any stage of the process set out in section 3.7 and 3.8 from a work associate, colleague, friend or family member, providing there is not a conflict of interest arising from that individual attending.

### **3.5 Right of Reply**

- 3.5.1** At all stages of the process set out in section 3.7 and 3.8, the employee will be given an opportunity to respond to allegations made about his / her conduct or performance.

- 3.5.2 The employee will be entitled to be represented during any meetings or hearings during which they are required to respond to any such allegations.

### **3.6 Investigations**

- 3.6.1 In certain circumstances, the YMCA may need to investigate allegations made against or about the employee.
- 3.6.2 Where an investigation needs to occur, the employee may be suspended from duty with pay.
- 3.6.3 The employee will be given a chance to consider and respond to such allegations during the investigation or formal disciplinary process.
- 3.6.4 After the YMCA has investigated the matter and taken into consideration the responses (if any) by the employee to the allegations, the organisation will take such appropriate action as may be necessary. This may include absolving the employee of any guilt, an oral or written warning or summary dismissal.

### **3.7 Stages of the Formal Disciplinary Process**

The following stages of the formal disciplinary process are to be used as guidelines only and do not form part of the employment contract or relationship between the YMCA and its employees.

#### **3.7.1 Counselling / Warning**

An initial incident or unsatisfactory performance or conduct may result in an oral counseling or warning being given to the employee by their Workplace Manager (which may be documented in writing).

#### **3.7.2 First Written Warning**

More serious incidents, a recurrence of an earlier incident, or more serious unsatisfactory performance or conduct may result in a written warning from the employee's Workplace Manager.

#### **3.7.3 Final Written Warning**

Continued unsatisfactory performance or conduct may result in a final written warning being issued by the employee's Workplace Manager.

#### **3.7.4 First and Final Written Warning**

A significant incident or unsatisfactory performance or conduct which is not serious enough to justify instant dismissal, may result in a first and final warning being issued by the employee's Workplace Manager.

### **3.8 Termination**

### **3.8.1 Termination on notice following warnings**

Should the employee fail to meet the standards of performance and / or conduct within the time frame specified in the final written warning or first and final written warning, he/she will be terminated on the appropriate notice or on salary in lieu of such notice being paid to the employee.

### **3.8.2 Summary Dismissal**

**3.8.2.1** Summary Dismissal may occur in cases where an employee's performance or conduct is so contrary to their employment contract as to indicate he or she has rejected the terms and conditions under which he or she was employed. In such cases, it would no longer be reasonable for the YMCA to allow the employee to continue employment.

**3.8.2.2** The employee shall be terminated without notice.

## **3.9 Written Record**

**3.9.1** A written record of the meeting will specify the nature of the alleged incident or unsatisfactory performance or conduct, the employee's response (if any), the level of warning issued (i.e. First Written, First and Final) performance or conduct standards required, any necessary action taken to rectify the situation (such as follow-up counseling, further training, workload adjustment or improved effort on behalf of the employee) and the period over which the employee's progress will be monitored to see whether or not these standards are met.

**3.9.2** This written warning or notice of termination will specify the nature of the incident or unsatisfactory performance or conduct, the employee's response (if any), the level of warning issued (i.e. First Written, First and Final), performance or conduct standards required, any necessary action taken to rectify the situation (such as follow-up counseling, further training, workload adjustment or improved effort on behalf of the employee) and the period over which the employee's progress will be monitored to see whether or not these standards are met.

**3.9.3** Where an employee is terminated, the YMCA will provide the employee with written reasons for such termination.

**3.9.4** A copy of the written warning and a written summary of the meeting between the employee and his / her Workplace Manager will be retained in the employee's personnel file.

**3.9.5** A copy will also be made available to the employee.

**3.9.6** The written warning may be erased at the discretion of the YMCA after the situation has been resolved.

## **4. DEFINITIONS**

<b>Procedural Fairness</b>	A legal concept concerned with fair and proper processes being utilised by a decision-maker in order to determine an outcome.
<b>Conduct</b>	Behaviour
<b>Disciplinary Action</b>	Any disciplinary outcome associated with the formal disciplinary process outlined in this Policy.
<b>Summary Dismissal</b>	Instant dismissal without notice. May apply when an employee's performance or conduct is so contrary to their employment contract as to indicate he or she rejected the terms and conditions under which he or she was employed.
<b>Insubordination</b>	Deliberate defiance of authority or deliberate defiance of a reasonable direction given by a person / body of authority.
<b>Conflict of Interest</b>	A situation in which an employee has a private or personal interest sufficient to appear to influence their objectivity in the performance of their duties.
<b>YMCA Geelong</b>	Refers to the Young Men's Christian Association of Geelong Inc. (YMCA Geelong Inc.) and all of its subsidiaries, and also YMCA Geelong & District YMCA Youth Services.

## 5. SCOPE

The Disciplinary and Termination Policy is binding on all employees of Young Men's Christian Association of Geelong Inc. (YMCA Geelong Inc.)

## 6. ROLES AND RESPONSIBILITIES

<b>Department/Area</b>	<b>Role/Responsibility</b>
Senior Management Team/CEO	Responsible for reviewing and updating the Disciplinary and Termination policy, and supporting resources.  Responsible for providing advice in the application of this Policy in accordance with agreed HR service levels.
Managers and Supervisors	Responsible for addressing any instance of conduct or performance that is below standard and in their realm of authority.  Responsible for implementing the processes outlined in this Policy, in accordance with this Policy, as required.
All Employees (including Managers and Supervisors)	Responsible for adhering to all reasonable behavioural and performance expectations.  Responsible for participating in the disciplinary process outlined in this Policy.

## 7. MONITORING, EVALUATION AND REVIEW

The YMCA Geelong Corporate Services Human Resources team is responsible for formally reviewing and updating this policy on a bi-annual basis. However, small changes and additions may be made outside of the formal bi-annual review to ensure the policy remains relevant and current.

Performance management training delivered by the Human Resources department will incorporate the content of the Disciplinary and Termination Policy and associated resources.

Manager/supervisors are responsible for complying with this policy when managing disciplinary and termination issues, and the Human Resources team are responsible for providing advice and support when engaged to do so.

## **8. SUPPORTING DOCUMENTS (LINKS TO PROCEDURES, LEGISLATION, FORMS, WORK PRACTICES)**

This Policy is supported by Disciplinary and Termination Procedures and Resources. Further information on practices associated with Performance Management can be found on the HR Manual on Ynet.

Please find a list of related documents below:

- Disciplinary and Termination Procedure
- Disciplinary and Termination Resources
- YMCA Geelong Staff Collective Agreement (if applicable)
- Relevant Award (if applicable)
- Contract of employment
- Occupational Health and Safety Policy
- Code of Conduct
- Digital Device & Usage Policy
- Online Communications Guidelines
- Diversity Policy
- Recruitment and Selection Policy
- Bullying, Harassment and Discrimination Policy
- Privacy Policy

## **9. DOCUMENT HISTORY**

Approved by:CEO (SMT)

Meeting number and date: 23/08/2017

Resolution number:

Effective date: 23/08/2017

Review date:20.08.2017

Policy Owner: Chief Executive Officer

Contact Details policy owner: [geelong@ymca.org.au](mailto:geelong@ymca.org.au); 5221 8344

Amendment history:

Version	Date	Author	Change Description
V1	July 2008	EBA- YMCA Victoria template	Create policy
V2	04/04/2014	Shona Eland	Update to new template.
V3	06/04/2017	Ann Maree Lineen	Updated 3.2 with "Repeated lateness for work (i.e. failure to report for work at scheduled start time including returning from breaks and meal times)"  Updated 3.3 with "Falsification or misrepresentation of qualifications or experience at any point during the application process or throughout employment"  Removed references to Union in 3.4  Updated definition of YMCA Geelong in section 4.

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Adopted by the YMCA Geelong on 23/08/2017



Chief Executive Officer YMCA Geelong Inc