



MAPOON ABORIGINAL SHIRE COUNCIL
 DISCIPLINE AND TERMINATION GOVERNANCE POLICY
 RESOLUTION NO. 091/01 VERSION V3

This an official copy of the **Human Resources – Discipline and Termination Governance Policy of Mapoon Aboriginal Shire Council**, made in accordance with the provisions of *Local Government Act and Regulations, Public Records Act, Mapoon Aboriginal Shire Council’s Local Laws, Subordinate Local Laws and current Council Policies*.

Operational Policies comply with a legislative requirement; the **Human Resources – Discipline and Termination Governance Policy** is approved by the Mapoon Aboriginal Shire Council for the operations and procedure of Council.

DOCUMENT VERSION CONTROL			
VERSION	DATE	RESOLUTION NO.	DETAILS
V1	16/08/2012		Responsible Officer Corporate Services Manager
V2	13/07/2015	.03	CEO
V3	30/06/2019		Human Resource Manager
			EXPIRY 20/06/2020

1.0 INTENT

Mapoon Aboriginal Shire Council recognises the importance of treating employees fairly and equitably when discipline and termination issues arise. As the employer, Council also recognises the importance of meeting industrial law standards for termination of employment. This applies both to the reason for the dismissal and the manner in which the dismissal is carried out.

2.0 SCOPE

This policy applies to all permanent employees of Mapoon Aboriginal Shire Council and long term casuals. Future employees will also be bound by this Policy.

3.0 POLICY OBJECTIVES

The objectives of this Policy are to:

- Set standards for disciplinary action where unsatisfactory work performance or conduct exists
- Promote fairness and order in the treatment of individuals and in the conduct of employee relations matters

4.0 POLICY

4.1 GROUNDS FOR TERMINATING AN EMPLOYEE

Council will only dismiss an employee based on lawful reasons. Lawful reasons for dismissal include:

- Performance (e.g. Where the employee is unable to satisfactorily complete the inherent duties of the job set out in the position description);
- Conduct (e.g. Consistently late for work);
- Serious misconduct (e.g. Fighting, theft);
- Legislative breaches (e.g. Local Government Act 2009, Workplace Health & Safety Act etc.);
- Redundancy (i.e. position no longer exists).

4.2 DISMISSAL FOR PERFORMANCE OR MISCONDUCT

An employee's performance is considered to be inadequate if the employee is not meeting the inherent requirements of the position as set out in the Position Description.

Misconduct can include:

- Consistent lateness for work;
- Actions involving harm (or the real possibility of harm) to any employee;
- Dishonesty;
- Inefficiency, neglect of duty, malingering;
- Continued breach of the council code of conduct.

Where a Manager/Co-ordinator has concerns about an employee's performance or misconduct (excepting serious misconduct), the Council's Performance Management Procedure shall be followed as outlined in the Discipline and Termination Procedure.

Employees will always be advised of the manner in which their conduct or performance is not meeting the required standard. The employee will be given an opportunity to respond and also to rectify his or her performance or conduct within a reasonable period of time, depending on the circumstances.

Where necessary an official warning(s) will be provided. This written warning will be filed in the employee's personal file for 2 years. The consequences of failure to remedy poor performance or conduct, shall be explained to the employee including their potential dismissal.

General Policy: Human Resources - Discipline and Termination Governance If the employee's response is considered to be adequate, the Manager/Coordinator should inform the employee that they will remain employed but that the employee's performance and/or conduct will continue to be closely monitored for a specified period of time (e.g. three months).

Where improvement has been inadequate, further warnings or dismissal may occur. An employee who is dismissed for performance or misconduct reasons (other than serious misconduct) is entitled to payment of any outstanding salary, annual, sick or long service leave as per the provisions of their employment contract.

4.3 DISMISSAL FOR SERIOUS MISCONDUCT

Council may be entitled to instantly dismiss an employee in circumstances where that employee has committed an act of serious misconduct. Serious misconduct can include:

- Fighting
- Breaches of any council policies, e.g. workplace health and safety
- Deliberately spoiling or damaging equipment
- Refusal to carry out the lawful instructions of a manager/co-ordinator
- Sexual harassment
- Breaches of Legislative Acts or Code of Conduct.

An employee who commits any of these acts is liable to instant dismissal.

Other acts may also constitute serious misconduct, depending on the circumstances of the case. It is up to the Manager/Co-ordinator to determine when an act is serious misconduct - refer to Human Resources when in doubt.

Where serious misconduct has been committed by an employee, the Council's serious misconduct procedure shall be followed as outlined in the Discipline and Termination Procedure.

The employee may be instantly dismissed if the serious misconduct is witnessed by the Manager/Co-ordinator, and where the act is blatant and inexcusable. In other cases, an investigation shall take place as outlined in the Discipline and Termination Procedure.

If the employee should be instantly dismissed, the Manager/Co-ordinator may verbally advise the employee and the CEO shall inform the employee of this by letter. An employee dismissed for serious misconduct is not entitled to payment in lieu of notice and other benefits may be in jeopardy.

4.4 DISMISSAL ON THE GROUNDS OF REDUNDANCY

A redundancy occurs where the employee's position genuinely no longer exists for reasons related to the operation of the business. Redundancy does not involve questions of performance or conduct of the employee.

Mapoon Aboriginal Shire Council recognises that from time to time positions at Bundaberg Regional Council may become redundant. It is the policy of Bundaberg Regional Council wherever possible to find alternative employment within the Council for employees whose positions become redundant. Where alternative employment is not available, the employee will be made redundant on the terms set out in this policy.

When it becomes apparent that a job or jobs will be made redundant, management shall follow the Redundancy procedures as outlined in the Discipline and Termination Procedures.

5.0 CONTROLS

Sex Discrimination Act 1984

Disability Discrimination Act 1992 General Policy: Human Resources - Discipline and Termination Governance *Racial Discrimination Act 1975*

Queensland Anti-Discrimination Act 1991

Mapoon Aboriginal Shire Council Employee Code of Conduct

Local Government Workforce Transition Code of Practice

6.0 EFFECTIVE FROM

The Discipline and Termination Governance Policy was adopted by Mapoon Aboriginal Shire Council on 16th August 2012.

This Policy is effective from 16th August 2012.

7.0 REFERENCES/ASSOCIATED DOCUMENTS

Workplace Harassment and Bullying Policy

Discipline and Termination Procedure

Local Government Association of Queensland Manual - Managing Your Human Resources

This is an official copy of the **Fraud and Corruption Policy** of **Mapoon Aboriginal Shire Council**, made in accordance with the provisions of the Local government Act and Regulations, Public Records Act, Mapoon Aboriginal Shire Council's Local Laws, Subordinate Local Laws and current Council Policies.

The Fraud and Corruption Policy is a Statutory Policy.

Statutory policies are prepared in response to legislative requirements and mandate employee behaviour. This Policy is approved by the Mapoon Aboriginal Shire Council for the guidance of Council and Council staff.

DOCUMENT VERSION CONTROL			
VERSION	MEETING DATE	RESOLUTION N ^o .	DETAILS
1.0	19/6/2018	15	Responsible Officer: Accountant Policy Type: Statutory Policy
2.0	18/6/19	091/01	Responsible Officer: Accountant Policy Type: Statutory Policy
			EXPIRY 30 June 2020