



## INTRODUCTION

Palm Island Aboriginal Shire Council (Council) is committed to the open and transparent operations of all Council activities. To meet this commitment Council will place all policies on the PIASC website for ease of access for all the Palm Island Community

## GOVERNANCE

Policy Identifier	S1.13
Responsible	CEO
Start date	1/7/2021
Review date	30/6/2022
Version number	1

## REFERENCES

- *Local Government Act 2009*
- *Local Government Regulations 2012*
- *Crime and Corruption Commission of Queensland (CCC)*
- *PIASC Drug and Alcohol Policy*

# PIASC POLICY

## Disciplinary

### POLICY STATEMENT

This Policy is to define the principles for the management of disciplinary matters at Council with the main objectives being 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.

Council is committed to being fair and equitable in the management of its workforce.

The CEO has the final decision in relation to any disciplinary action based all the facts and circumstance being noted and reported along with the respective recommendation from the relevant senior staff.

The CEO also has an obligation to report items of crime and misconduct as identified by the Crime and Corruption Commission of Queensland (CCC) including but not limited to official misconduct and in accordance with CCC guidelines. Unsatisfactory work performance and conduct may result in disciplinary action having to be administered examples of which may include:

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

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

Unsatisfactory Work Performance and/or Conduct:

- A separate procedure outlines a step-by-step process and should be adhered to when counselling or disciplining staff for unsatisfactory conduct or work performance.

Council recognises that an employee may request representation from the appropriate support person at any stage throughout this procedure.

Where an employee is not a Union member or does not wish the Union to be involved, a work associate or colleague may be invited to participate in the proceedings.

Failure to follow these procedures will not nullify the actions of any misconduct which could justify a further procedural step.

Employees will be instantly dismissed for acts of serious misconduct.

**Examples of Serious Misconduct:**

- **Disobedience:** Willful disobedience to any lawful and reasonable directive given by a supervisor. An employee has an obligation to carry out all fair and reasonable instructions, an isolated act of disobedience may not be sufficient to justify instant dismissal.
- **Theft/Vandalism:** An employee may be instantly dismissed if it is proven that they have committed theft or vandalism of Council property.
- **Intoxication:** Council strictly forbids the carriage, consumption or making of alcohol within the Shire. Severe penalties apply. Transgression will result in immediate dismissal. (Refer also Council's Drug and Alcohol Policy)
- **Negligence:** Where an employee's negligence results in damage to Council's plant Assets or other property or injury to other employee or persons Council may have the rights to dismiss. The test of negligence is not so much the extent of the damage or injury, but the nature of the act. Ignoring work rules or safety instructions, particularly where there is a past history of negligence, may result in instant dismissal due to negligence.
- **Misconduct:** Instant dismissal for misconduct shall be on the grounds of:
  - physically assaulting a fellow employee, or a member of the public;
  - insubordination, insolence or abuse of the employer, including abusive language to the public;
  - dishonesty by the employee in carrying out the duties for which they were initially engaged.

- Offences outside the Workplace:

In some situations, an employee's conduct, behavior or offences committed outside the workplace may warrant consideration for instant dismissal, as a general rule an employee's behavior must be compatible with a faithful discharge of their duty to an employer.

*For example, a cashier handling Council's funds who is convicted of misappropriating funds outside of Council.*

## DEFINITIONS

**Council:** means Palm Island Aboriginal Shire Council

**CEO:** means Chief Executive Officer

**Employees –** includes, contractors, volunteers and all others who perform work on behalf of council.

**Conduct:** An employee or employer's performance or behaviour in the workplace.

**Counselling:** 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:** Termination of employment.

**Misconduct:** Unsatisfactory behaviour or performance by an employee or employer in the workplace.

**Support Person:** An appropriate representative elected by the employee to participate in any of the outlined processes and communications.