



Maleny Neighbourhood Centre is a NFP community resource, responding to diverse local needs. We deliver emergency relief, facilitating community networks and connections. Maleny Neighbourhood Centre fosters resilient and fair communities and a just society where diversity is celebrated and participation encouraged.

17 Bicentenary Lane
Maleny, QLD, 4552
Phone: (07) 5499 9345
Email: info@malenyinc.org.au
Open Mon - Fri: 9am - 3pm
and booked activities anytime



In the Heart of Maleny ...

FINAL

MALENY NEIGHBOURHOOD CENTRE		
2020 DISCIPLINARY & DISMISSAL POLICY v1		
Authorised By: Maleny Neighbourhood Centre (MNC) Association Inc Management Committee (MC)		
Responsibility for the review:	Centre Coordinator / Development Worker (CCDW) with endorsement by the MNC Management Committee	
Date last review: New Policy - developed 11/3/20	Reviewed and Authorised By: MNC Management Committee on 26 March 2020 (Signature)	Date of next review: March 2023
Review Process	This Policy will be reviewed by the CCDW and endorsed by the Maleny Neighbourhood Centre Management Committee.	
Documentation and Communication:	Any decisions requiring policy changes will be recorded in the Minutes of MNC Management Committee and forwarded to CCDW for action and updating of policy documents. Policy changes relevant to staff and volunteers will be either emailed or discussed at staff and volunteer meetings.	
POLICY CONTEXT:		
Queensland Standards for Community Services:	Standard 6: Human Resources	
Other Standards:	Standard 1: Governance and Management Standard 4: Safety, Wellbeing and Rights Fair Work Commission Fair Work Ombudsman National Employment Standards (NES)	
Relevant Policies:	Staff Recruitment Policy Ethics Policy Work Health and Safety Policy Code of Conduct Policy	

Forms or other organisational documents:	Deed of settlement and release Work Agreement
Legislation or other requirements:	<i>Fair Work Act 2009 (Cth)</i> <i>Anti-Discrimination Act 1991 (Qld)</i> <i>Workplace Health and Safety Act 2011 (Qld)</i> <i>Social, Community, Home Care and Disability Services Industry Award 2010 (SCHADS)</i> <i>Industrial Relations Act 2016 (Qld)</i>
Purpose and Commitment	MNC is committed to ensuring that paid staff and volunteers behave in a way that ensures that everyone is treated fairly and without bias or discrimination. MNC encourages behaviour that supports and fosters self-discipline and promotes our Code of Conduct and Code of Ethics.
SCOPE	The policy will apply to all MNC staff when they have been identified as unable or unwilling to use their skills to carry out tasks associated with a particular position competently. It also applies when employees have breached the MNC's Code of Conduct and Ethics Policies.
Procedures	<p>This policy sets guidelines for implementing consistent disciplinary action for MNC's employees.</p> <p>This policy also establishes an equitable and consistent approach to addressing unsatisfactory work performance and/or misconduct by:</p> <ul style="list-style-type: none"> ● ensuring counselling takes place to reinforce the expected performance or conduct standards; ● establishing a process under which warnings may be issued and discussed; ● providing for disciplinary action where performance or conduct does not improve. <p>Maleny Neighbourhood Centre encourages relevant parties to resolve the matter by themselves first, informally.</p> <p>All persons have the right to:</p> <ul style="list-style-type: none"> ● have the principles of natural justice and procedural fairness observed, this means: <ul style="list-style-type: none"> i. the employee who is the subject of concern must be informed of all the allegations in relation to his/her behaviour ii. the employee must be provided with the opportunity to put forward their case iii. the employee may be accompanied by a colleague in any formal meeting iv. all parties must have the right to be heard

- v. all relevant submissions and evidence must be considered
- vi. irrelevant matters must not be taken into account
- vii. the decision-maker must be impartial, fair and just
- investigations and proceedings that are conducted honestly, fairly and without bias
- no undue delay in investigations and proceedings.

It is the responsibility of all parties involved in counselling or disciplinary action to participate fully in the resolution process in good faith. Confidentiality must be respected and maintained at all times within the constraints of the need to fully investigate the matter, subject to any legal requirements for disclosure and consistent with the principles of natural justice.

Definitions

“Inappropriate behaviour”:

- Disrespect and aggression (verbal or physical)
- Harassment, bullying or any kind of discrimination against other employees, volunteers, MNC MC members, visitors or other persons.

“Minor offences”:

- Failure to follow the policies and procedures of our organisation (providing the behaviour does not relate to an act of gross misconduct)
- Poor work performance
- Offensive behaviour, such as telling jokes that may offend or transmitting offensive material
- Suspicion of illicit drug or alcohol use which may affect work performance
- Refusal or failure to follow reasonable directions from the MNC MC or CCDW.
- Absent without entitlement or appropriate explanation or whose punctuality in attending work is poor
- Carrying on a private business from MNC premises or using the service's resources for private business without permission
- Discrediting other employees, the organisation or members of its Management Committee

“Gross misconduct”:

- Theft of property or funds from the organisation
- Willful damage of MNC property
- Proven intoxication through alcohol or illicit substances during working hours
- The disclosure of confidential information to any other party without prior permission from the CCDW or MNC MC
- Falsification of any MNC records for personal gain or on behalf of any other employee

	<ul style="list-style-type: none"> - Failure to comply with MNC Work Health and Safety Policy and acting in an unsafe manner on the job for themselves and others - Threats or acts of violence against other employees, visitors, volunteers, members of the MNC MC or other persons <p>“Counselling”: The discussion and analysis of issues which affect an employee’s conduct and/or work performance in an attempt to find solutions on raised problems.</p> <p>“The Manager”: An employee or MC member who conducts the Performance Reviews according to MNC’s Recruitment Policy (generally the CCDW or MC President).</p>
	<p><u>Note</u>: The following procedure deals with repeated inappropriate behaviour or minor offences. It does NOT refer to cases of gross misconduct, which would result in instant dismissal (see later section of this policy).</p> <p>The procedure must be applied immediately, or within seven days of an incident. An informal action will be conducted in the form of counselling, before the following steps:</p> <p><u>Step 1: Verbal Warning</u></p> <ol style="list-style-type: none"> 1. The Manager will advise the employee as soon as possible of the offence, inappropriate behaviour or breach of policies and provide them with an opportunity to discuss the issue or incident in a meeting. 2. The Manager will then meet with the employee, outline the implications of their actions and seek an undertaking by the employee to change their behaviour. Where possible, any assistance the employee needs to change their behaviour, will be identified and provided. A date will be set to review the employee’s behaviour. This will usually be one month from initial interview. 3. The Manager will record a summary of this meeting and place it in the employee’s personnel file. <p><u>Step 2: First Written Warning</u></p> <ol style="list-style-type: none"> 1. If, during the time of review arranged in step 1, the employee's behaviour continues to be unsatisfactory or inappropriate, there will be a further meeting with the employee. During this meeting, the Manager will again stress the implications of the employee’s actions and seek an undertaking by the employee to change their behaviour. Any assistance the employee needs to change their behaviour will be provided, where possible. A date to review the employee’s behaviour will be set – again, one month from the date of this meeting. 2. The Manager will record a detailed account of this meeting, under the heading ‘First Written Warning’. Both the Manager and employee must sign the

document as a true and correct record of the meeting and it will be placed in the employee's personnel file.

Step 3: Second and Final Written Warning

1. If, at the time of the review arranged in the First Written Warning meeting, the employee's behaviour continues to be unsatisfactory or inappropriate, there will be a further meeting with the employee. The Manager will again seek an undertaking by the employee to change their behaviour. They will also be notified about the consequences should the inappropriate behaviour or minor offence continue (dismissal). A date to review performance and behaviour will be set within two weeks from the date of this meeting.
2. The Manager will record a detailed account of this meeting, under the heading 'Second and Final Written Warning'. Both parties will be required to sign the document as a true and correct record of the meeting. It then will be placed in the employee's personnel file.

Step 4: Termination of Employment

1. If the behaviour is repeated after the final written warning is issued, the Manager may suspend the employee until the recommendation for termination can be put to the MC. The dismissal decision must be by a majority vote of the MC.
2. The Manager will record this outcome; actions will be instigated and recorded under the heading 'Deed of settlement and release' and the document will be placed in the employee's personnel file.

Record keeping

All records relating to disciplinary meetings and actions will be retained in personnel's file for 7 years, and will be securely destroyed thereafter.

Employee Appeals

An appeal against dismissal can be made to the MC in writing. If the next meeting of the MC is not due to be held within 10 working days of the date of the appeal, a special meeting should be requested. An appeal against dismissal of the employee can be upheld by a majority vote of MC members. If the dismissal of the employee is overturned, full pay for the period of suspension and dismissal and all entitlements shall be restored.

Dismissal

When terminating employment, except in instances of proved gross misconduct warranting immediate dismissal, the employer will give notice in writing as specified below, or payment in lieu of notice, to any employee whose employment is to be terminated.

	<p>Where the employee has been employed:</p> <ul style="list-style-type: none"> ● less than 1 year, 1 week's notice must be given ● 1 year and up to the completion of 3 years, 2 weeks' notice must be given ● 3 years and up to the completion of 5 years, 3 weeks' notice must be given ● 5 years and over, 4 weeks' notice must be given <p>During the period of notice, the employee shall be allowed up to 1 day off with pay for the purpose of seeking other employment. If an employee is over the age of 45 and has worked for at least 2 years on the day of the given notice, is entitled to 1 extra week (Fair Work Ombudsman).</p> <p>In cases of proved gross misconduct the MC may dismiss the employee without notice and with no salary payable for any period following the time of dismissal. The employee may appeal to the MC as specified in the previous section – employee appeals.</p>
For more information	<p>For National Employment Standards https://www.fwc.gov.au/documents/awardmod/download/nes.pdf</p> <p>For SCHADS http://awardviewer.fwo.gov.au/award/show/MA000100#P232_18779</p> <p>For termination of employment https://www.fairwork.gov.au/how-we-will-help/templates-and-guides/fact-sheets/minimum-workplace-entitlements/ending-employment</p> <p>For Not-for-profit Law guide https://www.nfplaw.org.au/sites/default/files/media/Employee_contractor_or_volunteer_CTH.pdf</p>