

## Discipline and Termination Policy of Marcoola Surf Club

### 1. Purpose and Application

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- 1.1 The Marcoola Surf Club ('the Club') is committed to an equitable and consistent approach to addressing unsatisfactory work performance and conduct. This policy sets out the procedures that apply when an employee has been identified as engaging in alleged misconduct or performance issues.
- 1.2 While every disciplinary matter should be addressed on a case-by-case basis, taking into account the severity of the issue, the following presents a guide to ensuring procedural fairness is afforded when taking disciplinary action.,

### 2. Scope

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- 2.1 The Discipline and Termination Policy applies to all employees, including full time, part time, fixed term and casual employees of the Club.
- 2.2 This policy will be made available via <https://www.marcoolasurfclub.com.au/staff-portal/>.

### 3. Definitions

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- 3.1 **Due process** involves observing an employee's legal rights, guaranteeing an employee fundamental fairness and justice and providing an employee the opportunity to be heard and to respond to allegation/s and/or evidence that has come to the attention of the Club.
- 3.2 **Natural Justice** invokes a number of established principles for employees such as:
  - the right to be represented or to have a support person present
  - to be informed of the allegation/s or evidence against them, preferably in writing
  - to be afforded the opportunity to respond to the allegation/s or evidence and provide an explanation
  - to have their response / explanation considered before an informed decision is made or further action taken
  - where the response / explanation is satisfactory, no further action is required
  - where the response / explanation is not satisfactory, existing policies and procedures must be followed
  - external factors that potentially may unduly influence decisions must be ignored
  - the process should be concluded in a timely manner
  - decisions must be made in good faith and without fear or bias
  - the process should be accurately documented
  - decisions should be provided in writing where warnings or disciplinary action result from the outcome.

### 4. Performance and Conduct Issues

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- 4.1 Areas that may require disciplinary action shall include, but are not limited to, the following:
  - Wilful breach of policies and procedures;
  - Unauthorised absences;
  - Repeated lateness for work;
  - Obscene language towards the employer, fellow staff, volunteers or patrons;
  - Refusing to carry out a lawful and reasonable instruction;

- Breach of confidentiality;
- Any behaviour that would prejudice the name, reputation and interests of the Club;
- Safety breaches of occupational health and safety procedures;
- Incompetence or inability to improve performance;
- Failure to reach performance objectives or goals;
- Failure to carry out duties and responsibilities to the level required of the position;
- Poor behaviour and attitude; and
- Poor work ethic.

## **5. Issues of Serious Misconduct**

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5.1 Areas that may require termination include, but are not limited to, the following:

- Theft;
- Fraud;
- Violence and assault;
- Intoxication at work;
- Acts of dishonesty;
- Refusing to carry out a lawful and reasonable instruction;
- Serious breaches of occupational health and safety procedures;
- Conduct that is wilful or deliberate and this is inconsistent with the continuation of the employment contract;
- Conduct that causes a serious and imminent risk to the health and safety of a person;
- Conduct that causes a serious and imminent risk to the reputation, viability or profitability of the employer's business.

## **6. Procedure for Addressing Performance**

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6.1 All employees will be afforded due process and natural justice throughout any procedure undertaken by the Club to address issues of performance.

### **6.2 Meeting to discuss performance issues**

In the first instance managers/supervisors must meet with the employee as soon as practicable to discuss the matter.

The meeting should proceed in the following manner:

- The manager/supervisor explains the reason for the meeting, the performance that is inadequate and the way in which the standard of performance required of the employee not being met,

- The manager/supervisor requests a response from the employee that explains why the performance is not to standard,
- A discussion of the employee's explanation, which may involve what is the standard required and suggestions as to how the employee can meet this standard,
- The manager/supervisor clearly advises the employee that future instances of not meeting this standard may lead to further disciplinary action and ultimately dismissal, and
- Confirmation by the manager/supervisor of the review period in which the employee should demonstrate improvement.

6.3 **The following outcomes may occur as a result of any disciplinary process undertaken by the club:**

**Counselling/Verbal Warning**

An initial incident or unsatisfactory performance or conduct may result in an oral counselling or warning being given to the employee, which may be documented in writing.

**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.

**Final Written Warning**

Continued unsatisfactory performance or conduct may result in a final written warning being issued.

**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.

**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, the employee will be terminated on the appropriate notice.

**Performance Improvement Plan**

As a result of poor performance, the club may provide you with a performance improvement plan, which is a tool that will identify performance deficiencies and set out specific job goals that are to be reached over a specified amount of time.

**7. Disciplinary Procedures for Alleged Misconduct**

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**Investigations into issues of misconduct**

- 7.1 In certain circumstances the Club may need to investigate allegations made against or about an employee.
- 7.2 Where an investigation needs to occur, the employee may be suspended from duty with pay whilst the club conducts the investigation.
- 7.3 As part of the investigation process, the employee will be given the opportunity to respond to the allegations made against or about the employee.
- 7.4 After the matter has been investigated by the Club and taken into consideration the responses (if any) by the employee to the allegations, the Club will take such appropriate action as may be necessary.

**Summarily dismissed**

- 7.5 If an employee is found to have committed serious misconduct, the employee will be dismissed summarily.

**8. Support Person**

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- 8.1 At any stage during the procedure for addressing performance and conduct issues undertaken by the club, all employees are entitled to bring a support person from a colleague, friend or family member, provided there is not a conflict of interest arising from that individual attending.

**9. Termination of Employment**

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- 9.1 Where a decision is made to terminate a full-time or part-time employee’s services, the Club must provide notice in accordance with the National Employment Standards (NES) as follows:

<b>Period of Continuous Service</b>	<b>Minimum Notice Period</b>
1 year or less	1 week
More than 1 year - 3 years	2 weeks
More than 3 years - 5 years	3 weeks
More than 5 years	4 weeks

- 9.2 An employee over 45 years old is entitled to an extra week of notice if they have worked for the Club for at least 2 years.

- 9.3 The following employees will not receive notice:

- Casual employees
- Employees on a fixed term contract
- Employees on a training arrangement and are employed for a set period of time for the length of the training arrangement
- An employee who is dismissed for serious misconduct

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