



CIVIL | WATER | ENVIRONMENT

# DISCIPLINARY ACTION FORM

To:

Date:

## DISCIPLINARY ACTION POLICY

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PREPARED FOR

WMS Engineering



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# **1 DISCIPLINARY ACTION POLICY**

## **1.1 POLICY STATEMENT**

WMS Engineering (WMS) expects all workforce members to undertake their work duties and behave in accordance with organisational standards. WMS aims to ensure that any concern or issue regarding unacceptable performance or unacceptable behaviour, and any consequent disciplinary action, will be handled appropriately, fairly, and consistently and in line with the principles of natural justice. Should an issue or concern arise, WMS will endeavour to offer the workforce member an opportunity to improve unacceptable performance or behaviour so that they can consistently achieve the standards required by WMS. However, in cases of serious misconduct, summary dismissal may be warranted.

## **1.2 SCOPE**

This policy applies to all WMS employees.

## **1.3 COACHING POOR PERFORMERS**

- WMS has the right to expect its employees to give their best efforts at work at all times.
- In a managerial role, one of the most difficult functions can be counselling underperforming staff members; however, WMS also recognises that this can be an opportunity to encourage employees to be the best they can be and meet the business objectives of the company.
- The cost of disciplining and dismissing a current employee, and sourcing, hiring, and retraining a new employee can be considerable. WMS encourages its managers and supervisors to maximise the chance for improvement with current employees who are not performing satisfactorily.
- Poor performance must be actively addressed as soon as it is noticed, and long before it affects team morale and business objectives. The first step in any performance management process is to coach the employee to improve performance of their duties. Managers should meet informally with an employee and discuss the gap in current standards and required standards. The manager should ask the employee if they are aware of the performance gap and ascertain whether any further training or other assistance may be needed for the employee to perform more effectively. Essentially, a manager should try to improve performance through coaching, rather than launching into disciplinary action.
- If the employee's performance is not improved by this technique, then managers should introduce a counselling and performance management process.

## **1.4 COUNSELLING AND DISCIPLINE**

It is important to address issues of poor performance or misconduct in a formal manner when coaching fails to achieve any improvement. For formal counselling to be effective, an employee should first understand what is expected of them, be told how they are failing to meet set expectations, be given the opportunity to respond to allegations, and advised of the consequences if they fail to improve.

The flowchart in **Table 1-1** provides a useful guide if counselling and discipline is necessary.

**Table 1-1 Procedural Steps of Disciplinary Action**

Procedural Step	When This Step Will Be Used
<b>Verbal Counselling</b>	In cases of minor misconduct, unsatisfactory performance, or unacceptable behaviour, as soon as possible after the incident. <i>Employee is given time to amend behaviour</i>
<b>Formal Written Warning and Interview</b>	In cases of repeated misconduct, unsatisfactory performance, or unacceptable behaviour; and In cases of misconduct or unacceptable behaviour that is serious enough to move directly to a written warning. <i>Employee is given specified timeframe to amend behaviour</i>
<b>Final Written Warning and Interview</b>	In cases of repeated misconduct or unsatisfactory performance or unacceptable behaviour after the written warning; and In cases of serious misconduct that do not warrant summary dismissal.
<b>Dismissal</b>	In cases where repeated misconduct or unsatisfactory performance or unacceptable behaviour continues after a final written warning.
<b>Summary Dismissal</b>	In cases of serious misconduct that warrant instant dismissal.

### 1.5 VERBAL COUNSELLING

Staff counselling involves informal discussions between the appropriate Supervisor and employee. It is not a formal disciplinary step. Counselling should be used to instruct/direct or correct employee actions.

This step is an example of positive discipline, which reinforces good behaviour and assists in setting standards. In a verbal counselling, a manager should cover:

- Instruction - ensures the employee knows how to do the job;
- Direction - guides the employee in the performance of the job; and
- Correction - ensures the employee understands what standard of performance and/or conduct WMS requires.

## **2 DISCIPLINARY PROCEDURE**

WMS has the right to dismiss an employee on the grounds of poor performance or misconduct and should ensure that the dismissal is carried out in a fair and reasonable manner. In these instances, the following should be covered:

1. The employee should be clearly advised of the likelihood of their dismissal if their work performance and/or conduct does not improve;
2. The employee should be allowed both time and resources to improve their performance and/or conduct; and
3. The employee must be allowed an opportunity to respond to the allegations.

At any stage of this procedure, a representative of the employee's choosing may accompany the employee during an interview.

### **2.1 FORMAL WRITTEN WARNING AND INTERVIEW**

When approaching an employee to request their attendance at a disciplinary meeting, the following points should be considered:

- Ensure the meeting place is private, confidential and quiet – you do not want any distractions;
- When asking the employee to attend the meeting, you should provide a brief outline of the allegations – there is no need to go into too much detail, but the employee should be clear as to what the discussion is about. (e.g., 'I would like to discuss with you about your tardiness', or 'I would like us to discuss your approach with customers');
- Be clear on the date, time, and location of the meeting; and
- Advise the employee that he/she can bring along a support person. The person is not there as a representative, but rather as support.

During the meeting, the manager must give the employee the opportunity to respond to the allegations and provide an explanation for the behaviour/conduct. The disciplinary meeting (and Formal Warning Letter summarising the outcomes of the meeting) should clearly state that the employee will be subject to disciplinary action up to and including dismissal if the employee fails to meet the required standard. This formal disciplinary meeting can be repeated if necessary, depending on the severity of the misconduct. More than one warning may be justified, before a final warning is issued.

### **2.2 FINAL WARNING LETTER AND INTERVIEW**

The request to attend another disciplinary meeting and the interview itself should be conducted in the same way as detailed above. The Manager should make clear that WMS finds this situation unacceptable.

The disciplinary meeting (and Final Warning Letter summarising the outcomes of the meeting) should clearly state that unless the problem/issue is rectified by a specified date, Management will require the employee to show cause why they should not be dismissed.

### **2.3 DISMISSAL AFTER WARNING(S) HAVE BEEN ISSUED**

An investigation should be conducted to ensure the Manager/Supervisor is completely satisfied that the employee has been given ample opportunity and counselling to correct the problem/issue, the employee should be given the Show Cause Letter, which requests that they attend a disciplinary meeting, and indicates the nature of the meeting.

The Managing Director should be advised prior to the meeting. The disciplinary meeting should be conducted in the same way as the above procedure.

If the responses are not satisfactory by way of explanation for behaviour, and all other alternatives have been considered, you may dismiss the employee. You should advise the employee of:

- The reason for their dismissal;
- The process in the lead up to dismissal, including efforts made by the organisation to correct the employee's behaviour; and
- The time and date the dismissal is effective.

Notice periods (i.e., whether or not the employee will be required to serve out the notice period or receive payment in lieu of such notice) should be considered. In all steps, ensure your conduct is professional, and credible. Arrangements for calculation and payment of final pay should be made promptly.

## **2.4 SUMMARY DISMISSAL**

- Where serious misconduct is evident, and dismissal is being considered, the Managing Director should be consulted immediately.
- A thorough investigation should be conducted into the misconduct.
- The disciplinary interview should be conducted according to the above procedure.
- If the responses are not satisfactory by way of explanation for behaviour, and other alternatives for discipline have been considered, you may dismiss the employee. You should advise the employee of the reason for their dismissal, and the time and date the dismissal is effective.
- Remember, summary dismissal is considered the most severe 'punishment' that an employer can use – be sure that there is no alternative available.
- A termination letter should be provided, containing the information as outlined above.
- In all steps, ensure your conduct is professional, and credible.
- Arrangements for calculation and payment of final pay should be made promptly.

## **2.5 PERIODS OF NOTICE WHEN DISMISSING AN EMPLOYEE**

Notice periods are in accordance with the relevant Contract of Employment.

## **2.6 GUIDELINES FOR DOCUMENTATION**

It is essential that all disciplinary meetings with employees are accurately documented. Accurate records of disciplinary meetings will be your proof of a fair and reasonable disciplinary process later on, should there be any claim made for unfair dismissal. Your records should include the following:

- Date, time of any disciplinary meetings;
- Who was present (including witnesses);
- What was said, and how it was said; and
- Any action plans and who is responsible.

It is recommended to:

- Have the employee and any witnesses sign off minutes of the meetings;
- All investigation notes should also be kept in the above manner;
- Have your witness take notes also;
- Use the initials of speakers, and do not summarise - gaps in the records could be excuses later on;
- Keep original notes of all discussions (especially if you type it up later); and
- Retain the documentation in a confidential and secure location.

Employees are entitled to a copy on request.