

Disciplinary Procedures Policy

This policy has been adopted by:

(Name of Company)

Referred to in this document as 'The Company'.

NB: A copy of this policy should be provided to all workers and potential workers as soon as they are likely to be engaged.

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Disciplinary Procedures Policy

It is essential for an ongoing relationship that the Company has confidence and trust in its Workers. This policy is intended to:

- identify the type of behaviours and/or actions that have the potential to breach the Company's confidence and trust in a Worker; and to
- provide a procedure for dealing with allegations of misconduct or serious misconduct against Workers within the Company.

Serious Misconduct.

Serious misconduct occurs when the behaviours or actions of a Worker cause an irreparable breach of confidence and trust in the Worker to the extent where it may not be possible for the relationship to continue.

Behaviours or actions considered 'serious misconduct' by the Company include but are not limited to:

- Unauthorised removal or movement of property belonging to the Company, any of its other Workers or any individual or organisation that the Company conducts business with; or
- Intentional damage to property/equipment belonging to the Company, any of its other Workers or any individual or organisation that the Company conducts business with; or
- Falsifying or partly falsifying any Company record for example – wage/expense claim form, leave form, or financial record; or
- Bulling, intimidating, fighting, verbal abuse or any kind of harassment towards another Worker of the company or any individual or organisation that the Company conducts business with; or
- The use of alcohol or any other mind/mood altering substance during working/session hours, or being affected by or in possession of the same during working/session hours; or
- Conduct which is considered inconsistent with acceptable social standards and of a nature which brings the Company into disrepute;
- Any other matter identified as serious misconduct in a relevant policy.

Misconduct:

Misconduct is behaviours or actions that the Company deems as unacceptable and/or inappropriate. While Misconduct can breach the Company's confidence and trust in a Worker unlike 'Serious Misconduct' the breach is generally not significant enough on its own to irreparably damage the relationship. If however the misconduct is repeated, then it may become Serious Misconduct.

Behaviours or actions considered 'misconduct' include but are not limited to:

- Smoking in a non-smoking area.
- Failure to report any accident or personal injury.

- Poor time keeping, including arriving late to work, or from lunch or tea breaks.
- Unauthorised or unexplained absence/s.
- Failure to perform work/tasks to the required standard.

Procedure

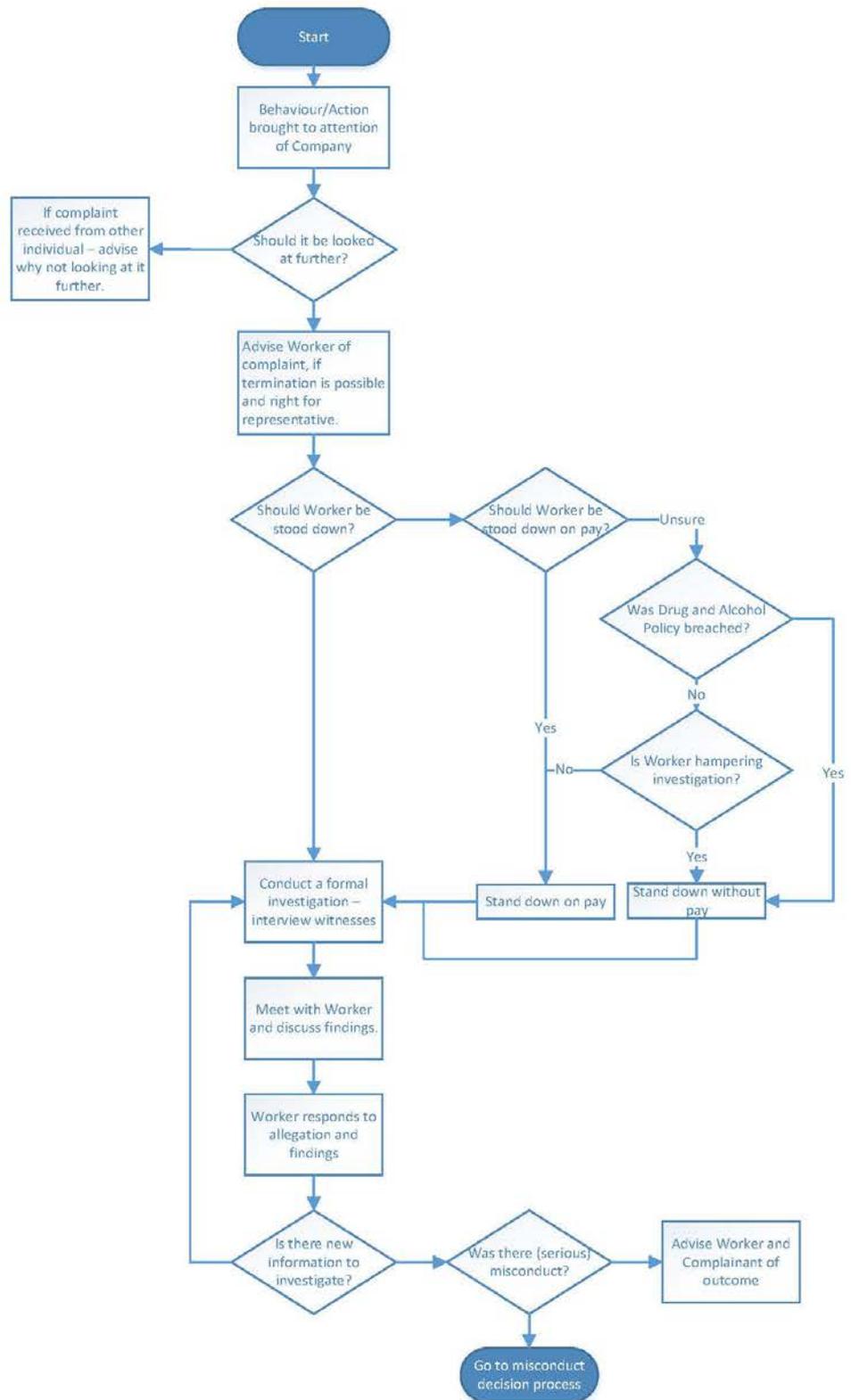
Please note: It is important for a fair process that matters relating to disciplinary procedures remain confidential and private and that any investigation and action is conducted in a timely manner.

1. In the event of an allegation of misconduct or serious misconduct the Company will examine the allegation to determine whether there is any substance.
2. Where an allegation is shown to have substance, the Company will notify the Worker as soon as possible of:
 - a. The allegation(s) that have been made; and
 - b. The potential impact on the Workers relationship with the Company if the allegation is confirmed; and
 - c. Their right to appoint a representative or support person; and
 - d. That the allegation is being investigated.
3. The Company may stand the Worker down if the nature of the allegations warrants it during the investigation. This action is not considered disciplinary action. The Worker will be paid during a stand down period unless:
 - a. The allegations relate to a breach of the Company's Drug and Alcohol policy; or
 - b. The investigation is protracted due to the Worker delaying or refusing to participate in the investigation.
4. A formal investigation will be conducted by the Company. The Company may talk with any individual it deems appropriate.
5. The Company will then meet with the Worker and their representative/support person. At the meeting the Company will:
 - a. Describe the matters being investigated; and
 - b. Advise the Worker of the findings of their investigation; and
 - c. Provide the Worker with a copy of any documents obtained during the investigation.
6. The Worker will be provided with an opportunity to respond to the allegations and the investigation findings.
7. The meeting will be adjourned to allow the Company to consider the allegations, the findings of their investigation and the Workers response. The Company may conduct further investigations if necessary.
8. If the Company concludes that there is
 - a. **no** substance to the allegations, then no disciplinary action will be taken. The Worker will be informed and appropriate steps will be agreed to support the Worker back to normal duties (such as informing the complainant if required).
 - b. substance to the allegation based on the reasonable assumption that the misconduct or serious misconduct occurred, then the Company shall decide on the appropriate form of disciplinary action.
 - i. In the case of serious misconduct:
 1. the relationship may be terminated without notice; or
 2. a final warning may be issued.

ii. In the case of misconduct

1. In the first case of misconduct a verbal warning may be given. This will be confirmed in writing;
 2. If there is a further case of misconduct or if the level of misconduct justifies going straight to a written warning, then a written warning will be given;
 3. If there is another case of misconduct after the written warning, then termination of the relationship with notice will be given.
 4. The Company will try to ensure that they set clear expectations of the conduct of its Workers however, a subsequent warning for misconduct may be for unrelated matters.
9. The Company will then meet with the Worker and their representative/support person to advise them of their decision. Following the meeting the decision will be provided to the Worker in writing.
10. The Company will ensure that it keeps copies of all warnings secure in its files.
11. If a matter relates to suspected criminal activity, it will be reported to the Police. Any disciplinary matters are separate to any action the Police may take.

Disciplinary Procedures Process



(Serious) Misconduct Decision Process

