

Policy Name	Discipline
Policy Type	Human Resources
Policy Number	HR07
Version	3
Approval Date	January 2019
Renewal Date	January 2022



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SUMMARY

This policy outlines the types of discipline that might occur in relation to staff misconduct and principles that must be present where investigations are carried out into alleged misconduct.

The Local Government Act and West Daly Regional Council charge the Chief Executive Officer with responsibility for “the day-to-day management of council operations” (including the management of council staff) and the authority to “where necessary, terminate the appointment of council staff”. This power is delegated by the Chief Executive Officer to Executive Managers and Council Services Managers as appropriate, although authority for termination rests only with the Chief Executive Officer.

POLICY STATEMENT

1. All disciplinary actions and counselling must be carried out in an atmosphere of fairness, consistency and objectivity to ensuring the principles of natural justice apply to the process and with regard to the Fair Work Australia Act and any applicable Industrial Award or Agreement and other pertinent legislation. (Note: “Consistency” for these purposes is defined as constantly adhering to the same principles of thought or action. It does not necessarily mean treating everyone exactly the same).
2. The person who is the subject of a counselling or disciplinary process has the right to appropriate representation.
3. Any complaint received indicating that an employee has committed a breach of discipline is to be forwarded to the Chief Executive Officer who will ensure the employee is notified of the complaint and given an opportunity to respond.

Darwin Office

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4. After an investigation has been completed into the matter, the Chief Executive Officer may consider termination in cases of serious misconduct, examples of which include:
 - Being drunk or under the influence of an illicit drug while on duty;
 - Stealing, fraud, assault or other criminal behaviour;
 - Sexual harassment and other offensive behaviour of a serious nature;
 - Refusal to carry out lawful and reasonable instructions from a senior officer;
 - Deliberate misuse of Council property;
 - Abandonment of employment (HR01);
 - Serious and deliberate violation of a Council policy, e.g. Media Policy; (GOV11).
 - Absent from duty without prior approved leave or approval from their supervisor;
 - Deliberately disregarding a requirement under the Work Health Safety Legislation; and
 - Conviction for transporting, selling or providing alcohol and/or illegal substances into communities where the substance is not permitted.

5. The Chief Executive Officer has authority to suspend an employee with or without pay or take other action including reduction in position within the Council pending completion of enquiries and determination into a disciplinary matter.

TERMINOLOGY AND REFERENCES

REFERENCES

Local Government Industry Award

Fair Work Act

Local Government Act

FURTHER INFORMATION:

Human Resource Advisor

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