



familybasedcare Tasmania

POLICY - DISCIPLINE

ID No: FBCNW-10-21

Version: 4.0

Applies to: All Staff

Applicable Legislation: Fair Work Act 2009
Fair Work Regulations 2009
Privacy Act 1988
Australian Privacy Principles

Contractual Obligations: Current Enterprise Agreement
Employment Contract (if applicable)

Family Based Care Tasmania (FBC) seeks to create a healthy, safe, and rewarding working environment based on the principles of fairness, equity, and tolerance while ensuring that the organisation is productive, its resources and governance are protected, and its reputation for excellence is maintained.

Where an employee's behaviour and conduct has the potential to damage the effective and harmonious operation of the organisation, this policy will be invoked to ensure that the disciplinary procedure is fair, impartial, and transparent.

This policy provides a framework for the management and application of a disciplinary action relating to misconduct and serious misconduct.

Policy Statement

Employee disciplinary procedures are designed to provide a structured, transparent, and equitable time-based process where managers and employees can discuss deficiencies in conduct and the severity of this conduct and, where appropriate, implement a planned and agreed strategy to ensure the misconduct is not repeated.

The aim of this policy is to ensure that the employee is aware of the reasons for the disciplinary action being taken, the interventions and strategies being implemented for improvement, and the possible outcomes of the disciplinary procedure relating to misconduct and serious misconduct.

Scope

This policy covers all FBC employees.

It is everyone's responsibility to report suspected misconduct and serious misconduct for the sake of FBC employees' health and safety, and FBC's reputation and viability. As a result, it is FBC's intention that disciplinary matters will be dealt with swiftly, fairly, and in line with relevant legislation.

The objective of this policy is to ensure that behaviours that are consistent with and supportive of the law and FBC's values and desired culture are reinforced. In this respect, and depending on the severity of the misconduct, FBC recognises that:

- an initial supportive response may be more effective than taking immediate formal corrective and disciplinary action,
- counselling and coaching approaches are used to identify the reasons for conduct, and
- all cases are treated with respect and sensitivity.

Where these responses and approaches fail, and formal corrective and disciplinary action is invoked, such actions are intended to be corrective rather than punitive, excepting where immediate termination of employment is justified.

Misconduct

For the purpose of this policy, misconduct includes the following:

- misdemeanours, including inappropriate behaviour,
- making improper use of one's position for personal gain,
- failure to comply with organisational policies or a provision of any statute or regulation that applies to the employee in the employee's employment,
- unauthorised absence from duty, and
- inappropriate use of organisation's property and facilities.

Serious Misconduct

Serious misconduct includes wilful or deliberate behaviour by an employee that is inconsistent with the continuation of the contract of employment (which could take the form of criminal behaviour) and / or conduct that causes serious and imminent risk to the health and safety of a person, or the reputation, viability, or profitability of FBC's business.

Where serious misconduct is involved, it may not be appropriate to follow each of the steps concerning counselling, informal verbal warnings, or formal written warnings.

Procedures

FBC reserves the right to undertake an alternative procedure where the matter is considered to be serious misconduct. In such matters, FBC may suspend the employee with or without pay and / or temporarily transfer the employee to an alternative business unit during the conduct of an investigation.

It is not expected that parties will commence any action permitted under the Fair Work Act 2009 or any other action until internal policies and procedures have been applied, followed, and completed.

Authorised by:



Date:

15/11/2021

A1 President of the Board