

Staff Performance and Conduct Procedure

1. Overview of the Procedure

This procedure is a guide for [insert organisation name] staff in managing employee performance or employee conduct. This procedure should be read with the accompanying Staff Performance and Development Policy and the Human Resources Management Policy.

2. Considerations

This procedure has been developed primarily for permanent and contract employees. However, the management of poor performance and/or misconduct of casual employees may be undertaken using this guide and accompanying documents.

It is the responsibility of the employee's identified supervisor and/or CEO/Manager to first manage employee poor performance and/or misconduct. Poor performance is indicated where the minimum requirements of an employee's role, as outlined in the relevant position description and/or the code of conduct, are not being met.

Employee misconduct is indicated where the minimum requirements of the code of conduct are not being met and/or where any other improper behaviour or behaviour that endangers the safety of others is identified.

Improper behaviour includes proven theft, physical assault, gross negligence, serious breach of policies and/or procedures, wilful or malicious damage, serious breach of safety procedures, illegal or fraudulent acts while representing the organisation, and/or abandonment of employment.

3. Procedure Steps

3.1 Identifying and Responding to Employee Poor Performance

Performance Discussion

Where general poor performance is identified, the supervisor initially meets with the employee to discuss performance concerns and areas for improvements. Details of the meeting are documented, including performance concerns, employee's response,

action to be undertaken and indicators of improvement. Documentation is filed in the employee's personnel file.

Poor performance may also be discussed as part of the employee's performance and development review at the 3 month probationary period, or at the 6 or 12 month performance and development review.

Poor performance is to be managed as soon as identified and not left for the next scheduled performance and development review which may be some time away.

Where poor performance is discussed with an employee, the employee is provided the opportunity to respond verbally or in writing within a set time frame.

Performance improvement required is given a clear time frame and reviewed against the identified improvement indicators.

[insert organisation name] shall provide support for the employee to achieve performance improvement.

First Written Notification

Where initial poor performance discussions have not resulted in an improvement of performance, the supervisor will meet with the employee and provide a first written warning relating to the poor performance. This letter is signed by the supervisor and employee indicating understanding of the poor performance, improvements required and indicators of improvement within a set time period. The supervisor and employee may be accompanied by another person, including the CEO, Board member, union representative or an advocate.

The employee is informed of the serious nature of receiving a first warning letter and that failure to improve performance shall result in a second warning letter with potential to lead to dismissal.

Following the first written warning, performance is reviewed within the set time period. If performance has improved to the required level, a meeting between the supervisor and employee occurs where ongoing performance is discussed and planned. The matter is then considered closed.

Documentation is filed in the employee's personnel file.

[insert organisation name] shall provide support for the employee to achieve performance improvement.

Second Written Notification

If performance is reviewed as not meeting the required level after the first written warning, the employee is given a second written warning. This second warning clearly states the process undertaken to date, details of continued poor performance, where improvements in performance have not been made and why this is considered serious poor performance.

The supervisor shall be accompanied by the CEO or a Board member, and the employee may be accompanied by another person including a union representative or an advocate.

A letter is to be signed by the supervisor and employee indicating understanding of the poor performance, improvements required and indicators of improvement within a set time period.

Following the second written warning, performance is reviewed within the set time period. If performance has improved to the required level, a meeting between the supervisor and employee occurs where ongoing performance is discussed and planned. The matter is then considered closed.

If performance is reviewed as not meeting the required level after the second written warning, the options to be considered for both **[insert organisation name]** and the employee are:

- Change in position, responsibilities and remuneration
- Voluntary resignation
- Termination of employment by **[insert organisation name]**.

Documentation is filed in the employee's personnel file.

3.2 Identifying and Responding to Employee Misconduct

First Misconduct Warning

Where misconduct is identified, the identified supervisor and CEO/Manager shall meet with the employee to discuss the misconduct behaviour. The employee may be accompanied by another person including a union representative or an advocate.

Details of the meeting are documented, including misconduct behaviour, employee's response and action to be undertaken. The employee is provided with written notification of the misconduct behaviour and action to be undertaken. Documentation is filed in the employee's personnel file.

Responses to Employee Misconduct

Responses to employee misconduct may include:

- Change in responsibilities and activities
- Increase in supervision of the employee
- Training/education to improve understanding and behaviour in certain areas
- Temporary suspension from duties
- Summary dismissal.

Temporary Suspension or Summary Dismissal

Where misconduct is of a more serious nature, the employee may be suspended for a brief period to emphasise the serious nature of the misconduct and to allow sufficient time for **[insert organisation name]** to determine a further course of action. This suspension period may be used to undertake employee training/education to improve understanding and behaviour in certain areas, and to allow for return to work planning.

Serious misconduct may also result in the employee receiving summary dismissal. Refer to the Human Resources Management Policy for further detail on summary dismissal.

The employee's supervisor and/or the CEO/Manager may seek advice on temporary suspension or summary dismissal from the Board and/or another external source, such as an industrial employment body.

3.3 Employee Appeals

An employee may appeal against poor performance or misconduct allegation through written notification to the CEO/Manager.

The CEO/Manager shall determine a response and further course of action after consulting with the relevant supervisor. The CEO/Manager may also consult with the Board.