

WACC POLICY

DISCIPLINE

Issued by the Executive Committee

October 2010

General

1. In the case of any breach of WACC policies or in the event of misconduct by an employee, it may be necessary for WACC to take disciplinary action. The purpose of this policy is to ensure that when such action is taken all the relevant issues are dealt with fairly.
2. The normal conduct expected of employees and Consultants is outlined in the Internal Code of Conduct Policy and examples of misconduct are given in appendices to this policy.
3. Employees and Consultants are also subject to the WACC Code of Conduct in Relation to Safeguarding / Sexual Exploitation and Abuse Policy.
4. The procedures outlined in this policy are applicable to employees who have completed their probationary period.
5. In the interest of expediting the process, WACC reserves the right to omit any step in the outlined procedure.

Probationary Employees

6. Employees who have not completed their probation, should they be subject to disciplinary action, may have their probationary period extended or their employment terminated at the discretion of the General Secretary.

Process

7. In the case of the absence of the General Secretary, responsibilities of the General Secretary in the discipline process may be undertaken by the Deputy General Secretary.
8. Disciplinary action will normally be initiated and dealt with in the first instance by the employee's supervisor, when practicable after consultation with the General Secretary, but may be initiated by the General Secretary.
9. If the employee's supervisor is unavailable to initiate disciplinary action, the General Secretary may appoint another person to deal with the matter, acting as the Supervisor.
10. An employee may be suspended with pay pending the conclusion of the disciplinary process.

11. Any employee subject to the disciplinary process will be required to attend a hearing with their supervisor and another senior member of WACC staff to explain their case, for which three working days written notice will be given.
12. At a disciplinary hearing:
 - a. The supervisor may be accompanied by another member of staff and/or other suitably qualified persons,
 - b. The employee may be accompanied by another member of staff and/or other suitably qualified person, who may address the meeting but do not have the right to respond to any question on behalf of the employee, and
 - c. Both the employee and the Supervisor may call witnesses.

Action

13. Following a disciplinary hearing the Supervisor will, after considering everything presented, reach a decision and notify the employee in writing that:
 - a. No further action will be taken,
 - b. An Oral Warning will be issued, with an indication that a further breach of discipline may result in a Written Warning
 - c. A First Written Warning will be issued, with an indication that a further breach of discipline may result in a Final Written Warning
 - d. A Final Written Warning will be issued, with an indication that a further breach of discipline may result in dismissal.
 - e. He or she will be Dismissed
 - f. He or she will be Dismissed Without Notice
14. In each case, the notification will explain the reason for the action being taken and identify those who were present at the disciplinary hearing. In the case of a notification of a Warning, the notification will also indicate the expected improvements that are required and the time frame in which they should occur, and explain the length of time for which the Warning is considered 'current'.
15. In reaching his or her decision, the supervisor will be guided by the following:
 - a. An Oral Warning is issued for a minor misconduct or breach of WACC's policies.
 - b. A Written Warning is issued in the case of a misconduct or breach of WACC's policies, or when an Oral Warning would normally be issued and an Oral Warning is on the employee's record.
 - c. A Final Written Warning is issued when an employee is found guilty of a serious misconduct or breach of WACC's policies, or when an Oral or Written Warning would normally have been issued and a current Written Warning is on the employee's record.

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- d. Dismissal occurs when there is a gross or persistent misconduct or breach of WACC's policies, or when a Written Warning or Final Written Warning would normally have been issued and a current Final Written Warning is on the employee's record.
 - e. An employee may be Dismissed Without Notice for gross misconduct. Such action requires the concurrence of the General Secretary, who will review all the available information and allow the employee the opportunity to explain their case.
16. A Warning is retained on an employee's employment record, and is considered current until after the following periods of time have elapsed since it was issued:
- a. Oral Warning: 6 months
 - b. Written Warning: 9 months
 - c. Final Written Warning: 12 months

Appeals

17. An employee may appeal against any disciplinary action taken, including dismissal. The appeal will only be considered if submitted to the General Secretary within 5 days of receipt by the employee of the notification of disciplinary action.
18. The General Secretary will set a date to consider the appeal expeditiously.
19. The decision of the General Secretary on an appeal is final.

Appendix 1: Examples of Misconduct

The following list is neither exhaustive nor exclusive:

- Misuse of electronic communications systems
- Persistent absenteeism or lateness
- Poor effort or sub-standard work
- Absence without authorisation
- Failure to follow absence reporting procedures
- Minor incidents of failure to comply with health and safety requirements
- Misuse of WACC property or equipment
- Failure to comply with a reasonable management instruction
- Incapacity through drink or drugs
- Sleeping during work hours
- Foul or abusive language
- Abusive, objectionable or insulting behaviour
- Disorderly conduct
- Damage to WACC property caused by carelessness
- Misrepresentation of fact – lying
- Any minor and unintentional breach of WACC policies

Appendix 2: Examples of Gross Misconduct

- Serious misuse of electronic communication systems
- Theft of property belonging to WACC, or from WACC premises
- Fraud, bribery or falsification of records
- Fighting or physical assault
- Gross immorality or indecent behaviour
- Malicious damage to WACC property, or other property on WACC premises
- Possession of and/or taking illegal drugs
- Unauthorised consuming of alcoholic beverages
- Serious cases of non-compliance with health and safety instructions
- Harassment on the grounds of race, sex, disability or sexual orientation
- Intimidation or bullying intended to undermine, humiliate, denigrate or injure the recipient

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- Refusal to carry out reasonable management instructions
- Unauthorised release of sensitive information
- Undertaking private work on WACC's premises without prior authorisation
- Negligence or neglect of duty resulting in any loss which may expose WACC to a serious claim
- Solicitation and/or acceptance of money, gifts, services or other inducements for personal gain or the gain of family or friends
- Committing WACC to contracts when not authorised to do so
- Action which may bring WACC into disrepute
- Any serious or wilful breach of WACC policies