**DISCIPLINARY AND WARNING PROCEDURES**

This template policy is intended to assist member businesses develop their own workplace policy. The following information should be used as a guide only. Any wording changes, other than those to insert a business name, may change the context, meaning or purpose of the policy. We recommend you receive advice from the Victorian Chamber of Commerce and Industry prior to making such changes.

## Contacting the Victorian Chamber of Commerce and Industry

Victorian Chamber’s team of experienced workplace relations advisors can assist members with a range of employment, human resources and industrial relations issues.

Our experienced workplace relations consultants can also provide assistance to both members and non-members on a range of more complex matters for a fee-for-service. The consultants can, among other things, provide training to employees, conduct investigations and provide representation at proceedings at the Fair Work Commission.

For assistance or more information, please contact the Workplace Relations Advice Line on (03) 8662 5222.

Disclaimer

The information contained in this document has been prepared by the Victorian Chamber of Commerce and Industry in this format for the convenience and benefit of its members and is provided as a source of information only. The Victorian Chamber does not accept responsibility for the accuracy of the information or its relevance or applicability in particular circumstances. The information does not constitute, and should not be relied on, as legal or other professional advice about the content and does not reflect the opinion of the Victorian Chamber, its employees or agents. The Victorian Chamber and its employees, officers, authors or agents expressly disclaim all and any liability to any person, whether a member of the Victorian Chamber or not, in respect of any action or decision to act or not act which is taken in reliance, whether partially or wholly, on the information in this communication. Without limiting the generality of this disclaimer, no responsibility or liability is accepted for any losses incurred in contract, tort, negligence, or any other cause of action, or for any consequential or other forms of loss. If you are uncertain about the application of this information in your own circumstances you should obtain specific advice.

# DISCIPLINARY PROCEDURES

Date of issue:

Policy approved by:

Contact person:

## 1 PURPOSE

The purpose of this policy is to outline the process for addressing unsatisfactory work performance and/or conduct.

## 2 APPLICATION

This policy applies to all employees except irregular casuals.

## 3 DEFINITIONS

An “irregular casual” is a casual employee that does not work a clear, repetitive pattern of hours.

“Unsatisfactory work performance” is performance that continues to be below the expectations relevant to the position. Unsatisfactory work performance includes, but is not limited to:

* neglect of duties
* an inability to exercise good judgement
* an inability to complete tasks in reasonable amount of time

“Unsatisfactory conduct” is conduct that falls short of the standard of competence and diligence relevant to the position. Unsatisfactory conduct includes, but is not limited to:

* breach of discipline
* breach of policy or procedure
* harassment
* unauthorised absenteeism
* deliberate non-compliance with occupational health and safety rules

## 4 POLICY AND PROCEDURE

Disciplinary action, except in cases of serious misconduct, may be an incremental process which can be terminated at any stage. As performance and/or conduct must be assessed on a case-by-case basis, it will not always be appropriate to provide three (3) warnings before considering termination. The following procedure is a guideline only and **[INSERT COMPANY NAME]** retains the right to provide fewer than three (including zero) warnings before terminating an employee’s employment.

### Step 1 – First warning

Where an employee’s work performance or conduct is considered unsatisfactory, the employee will be informed by their immediate supervisor/manager. The employee will then have an opportunity to respond to the allegation(s).

If the supervisor/manager is unsatisfied with the employee’s response, a first written warning will be issued to the employee advising of the nature of the poor performance or conduct and any corrective action required.

A date will be agreed upon in the future to review the employee’s performance or conduct.

### Step 2 – Second warning

Where the employee fails to improve on their poor performance or conduct, the employee will again be informed by their immediate supervisor/manager. The employee will then have an opportunity to respond to the allegation(s).

If the supervisor/manager is unsatisfied with the employee’s response, a second written warning will be issued to the employee advising of the nature of the poor performance or conduct and any corrective action required.

A date will be agreed upon in the future to review the employee’s performance or conduct.

### Step 3 – Third and final warning

If an employee’s unsatisfactory work performance or conduct continues following two (2) written warnings, the employee will be informed by their immediate supervisor/manager. The employee will then have an opportunity to respond to the allegation(s).

If the supervisor/manager is unsatisfied with the employee’s response, a third and final written warning will be issued to the employee advising of the nature of the poor performance or conduct and any corrective action required. The warning shall also advice the employee that should the unsatisfactory performance or conduct not improve, termination of employment will be considered.

A date will be agreed upon in the future to review the employee’s performance or conduct.

## 5 POLICY REVIEW

**[INSERT COMPANY NAME]** may make changes to this policy from time to time to improve the effectiveness of its operation.

WORKPLACE PARTICIPANT ACKNOWLEDGEMENT

## I acknowledge:

## I have received, read and understood the policy

## I am required to comply with the policy; and

## There may be disciplinary consequences if I fail to comply, up to and including the termination of my employment.

Name: Signature:

Date: