



Trustees of the Christian Brothers

(Queensland)
St Francis Xavier Province

Province Policy No 12:

**Disciplinary Policy
and
Procedure for Staff
(Schools and Non Schools
Ministries)**

July 2006

1 INTRODUCTION

Disciplinary responses by the employer/delegate (Director/Principal/Co-ordinator of ministry) require a careful adherence to a set of procedures. These are designed to ensure that the staff member is treated with justice and consideration throughout the process and that all reasonable alternatives have been exhausted before disciplinary action is undertaken.

2 PURPOSE

This policy is designed to encourage constructive and effective communication between the Trustees of the Christian Brothers Queensland as employer and the employee in relation to conduct or behaviour issues and to assist the employer to deal fairly with issues in relation to the conduct or behaviour of employees.

3 SCOPE

This policy applies to all Employees of Edmund Rice Schools, Ministries and Initiatives and to the employer.

4 PRINCIPLES

The principles of the Disciplinary Policy are as follows.

- 4.1. That fair and equitable treatment be accorded to employees in the disciplinary process and that the process be handled promptly and confidentially.
- 4.2. That an understanding and agreement be encouraged between the employer and the employee in relation to the expectations regarding employee behaviour and conduct.
- 4.3. That there be a prompt application of "due process" for resolving issues in relation to conduct or behaviour.
- 4.4. That discipline be used in a constructive way so as to provide an opportunity for improvement of conduct and/or behaviour in the workplace.
- 4.5. That there be compliance with legislative requirements.
- 4.6. That there be open communication in consultation between employees and the employer within the process.
- 4.7. That this policy is only applicable in relation to conduct or behavioural issues of employees and that any issues relating to poor performance be dealt with under the Performance Review – Staff Policy.

5 POLICY

The employer/delegate (Director/Principal/Co-ordinator of ministry) will, in all issues of concern regarding behaviour and conduct of employees, utilise and promote constructive communication of procedures as designated in this policy to promote fair and constructive outcomes.

6 PROCEDURE

- 6.1 If the employer has a concern in relation to conduct or behaviour issues of an employee, the “appropriate delegate” shall write to the employee with particulars of that concern and invite the employee to respond to the particulars within a reasonable time. The letter should also advise the employee of the possible outcomes of the disciplinary process, including dismissal.
- 6.2 The “appropriate delegate” for the purposes of this policy shall mean:
 - 6.2.1 in the case of concerns in relation to a member of a College Leadership Team (CLT) and staff of the Directorate, the Director, Edmund Rice Schools (the Director);
 - 6.2.2 in the case of concerns in relation to a staff member of a College (other than a member of the CLT), the College Principal (the Principal); or
 - 6.2.3 in the case of concerns in relation to an employee engaged in a Christian Brothers Ministry or Initiative, the Co-ordinator of such Ministry or Initiative (the Co-ordinator).
- 6.3 In addition to inviting a written response, the Director/Principal/Co-ordinator may invite the employee to attend a meeting to provide an oral response in addition to the written response, and at that time advise the employee that he/she is entitled to have a third party present at any such meeting.
- 6.4 After receiving the written response, and hearing any oral response as required, the Director/Principal/Co-ordinator shall consider the matter and decide whether any further investigation of the matter is required before coming to a decision.
- 6.5 If the Director/Principal/Co-ordinator decides that some further investigation is required, then he/she and/or his/her delegate shall conduct that further investigation as promptly as possible, in whatever manner he/she determines appropriate.
- 6.6 Once that further investigation is complete, the Director/Principal/Co-ordinator shall consider whether further matters need to be put to the employee as a result of that investigation.
- 6.7 In the event that it is decided that further matters shall be put to the employee, then those matters should be expressed in writing and signed by the Director/Principal/Co-ordinator in a letter handed to the employee, allowing a reasonable time to respond in writing and if necessary also orally to those

further matters.

6.8 After receiving any further written response from the employee, and hearing any further oral response, the Director/Principal/Co-ordinator shall decide what, if any, disciplinary response is necessary and will then communicate that disciplinary measure in writing to the employee.

7 RESPONSES

7.1 Without limiting the discretion of the Director/Principal/Co-ordinator as to the disciplinary response the following may be considered:

- 7.1.1 a formal written warning that should the conduct and/or behaviour continue then that may lead to the employee's dismissal from employment;
- 7.1.2 dismissal from employment but only if the Director/Principal/Co-ordinator considers the conduct or behaviour proved against the employee constitutes serious misconduct warranting summary dismissal; or
- 7.1.3 a formal censure of the employee for engaging in conduct proved against him/her with or without a formal direction that the employee is in the future to desist from such behaviour or conduct;

8 TERMINATION

8.1 In the event that the Director/Principal/Co-ordinator considers it is appropriate to terminate the employee's employment, he/she shall prior to terminating that employment confer with:

- 8.1.1 in the case of a member of a College Leadership Team (CLT), the Director, Edmund Rice Schools and the Province Leader;
- 8.1.2 in the case of staff of Edmund Rice Schools (other than a CLT) and staff of the Directorate, the Director; or
- 8.1.3 in the case of Edmund Rice Ministries and Initiatives, the member of the Province Leadership Team with responsibility for that Ministry.

8.2 In the event it is determined that dismissal from employment is the appropriate outcome, the Director/Principal/Coordinator shall write to the employee inviting him/her to show cause why his/her employment should not be terminated.

8.3 Nothing in this policy should be construed as to limit the power of the Director/Principal/Co-ordinator as delegate of the employer to summarily dismiss an employee without any warning or investigation whatever and without affording the employee any opportunity to respond in circumstances where there

has been evidence of serious misconduct warranting summary dismissal. However, prior to taking such action the Director/Principal/Co-ordinator must consult with the Province Leadership Team.

8.4 If a decision is made to terminate the employee's employment then the employer will comply in all respects with the minimum notice periods and entitlements set by the Industrial Relations Act 1999 (Qld) but nothing in this policy should be construed as interfering with the right which the employer reserves to summarily dismiss an employee in cases of serious misconduct.

8.5 The appropriate delegate shall be responsible for ensuring that all stages of the disciplinary process, including all oral discussions with employees, are properly and contemporaneously documented and are retained on the employee's record.

9 APPLICATION TO PROFESSED MEMBERS OF RELIGIOUS ORDER OR INSTITUTE

9.1. This policy and procedure shall apply (in addition to employees) to professed members of a Congregation or Religious Institute who is a staff member of an Edmund Rice School or of a Province Ministry or Initiative, provided that in the case of a professed member, all references in this policy and procedure to "dismissal from employment" shall be deemed to refer (instead) to dismissal from the professed member's position as a staff member of an Edmund Rice School or of a Province Ministry or Initiative.

9.1 In the case of a professed religious the term "employee" wherever it appears in this policy shall be deemed to refer to the professed religious (notwithstanding that the religious is not an employee).