



## Disciplinary Action Policy



"Staff understand there are consequences for breaching standards and rules and are treated fairly."

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### Intent

We recognise that it may be necessary to take disciplinary action against a kaimahi for:

- unsatisfactory performance
- misconduct
- serious misconduct.

Relevant policies will guide the type and timing of disciplinary action.

### Definitions

“Disciplinary action” refers to any of the following:

- a verbal warning
- a written warning
- suspension from duties
- termination of contract
- non-renewal of contract
- dismissal from employment with notice or without notice (for cases of serious misconduct only)



- such other action appropriate to the wrongdoing.

## Responsibilities

Disciplinary action may only be taken against an employee by management or against management, by the board.

Disciplinary action against a contractor will depend on the terms of the contract. It may involve termination of contract.

## Requirements

### Grounds

Disciplinary action for unsatisfactory performance may be commenced only where the procedure in [Managing Unsatisfactory Performance](#) has been implemented and unsatisfactory performance continues or has re-occurred after a period of improvement.

Disciplinary action for misconduct may be taken only in accordance with the [Misconduct](#) policy.

Before disciplinary action is taken, management must:

- ensure that a fair and unbiased process has occurred (eg [fair and unbiased investigation](#) of alleged misconduct)
- inform the kaimahi about the proposed action and their right to engage union, a legal or other advocate or support person (in writing)
- invite feedback from them on the proposed action
- consider the feedback
- consider any previous disciplinary measure and the need for escalation
- consider other relevant factors eg staff member's length of service.

## Action



The disciplinary action must be fair and proportionate to the finding of misconduct or unsatisfactory performance and may involve:

- **A verbal warning.** This is appropriate for a less severe disciplinary breach. The purpose is to correct behaviour or performance. The warning must state the grounds for concern and the likely consequences of non-improvement.
- **A written warning.** This is appropriate where the disciplinary breach is more severe or a previous verbal warning has been given. A written warning must:
  - Outline the unsatisfactory conduct or behaviour
  - Refer to any previous relevant verbal/written warnings and any explanations offered
  - Identify steps to be taken to rectify the problem
  - Outline the consequences if the steps are not taken, which may include dismissal without notice
- **Suspension with or without pay** (subject to the provisions of the employment agreement or contract) until the behaviour is rectified.
- **A decision to end a contractual arrangement or dismissal of an employee.** This may be appropriate in severe instances or where there has been a pattern of unsatisfactory performance or conduct
- **Dismissal** of a staff member may be with or without notice. Reasons must be given in writing.
- **Summary dismissal** (ie dismissal without notice) will be warranted where there is a finding of serious misconduct. The employee must be informed of the decision, given the opportunity to have support present, given reasons and asked to leave the premises immediately. Details will be subsequently confirmed in writing.

## Recordkeeping

A copy and notes of the disciplinary action and process, including the staff member's feedback on the proposed disciplinary action, must be kept on their file.



## Duration of warnings

### Formal verbal warning

A formal verbal warning will usually be effective for six months unless otherwise specified.

### Written warning

A written warning will usually have effect for 12 months unless otherwise specified.

### Final written warning

A final written warning will normally be disregarded for disciplinary purposes after an 18 month period.

A copy of each warning, including expired and verbal ones, will be kept on the kaimahi/staff member's file.

## Helpful links

[Misconduct](#)

[Managing unsatisfactory performance](#)

[Employment NZ Disciplinary Process](#)

## Review

Date: April 2022

Next review: by March 2024