



## DISCIPLINE & TERMINATION POLICY

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Adopted/Amended/Reviewed	By Whom	Date
Adopted	Board of Directors	Monday 29 <sup>th</sup> November 2010
Amended	Board of Directors	Monday 10 <sup>th</sup> September 2012
Reviewed	Board of Directors	Tuesday 9 <sup>th</sup> June 2020

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### INTRODUCTION

The Swimming Northern Territory Board of Directors is committed to ensuring that our workplace protects the rights and welfare of people at work.

### POLICY

#### 1. Discipline

- 1.1 Corrective counselling and oral warnings are informal means of dealing with performance deficiencies or misconduct which may be used at Swimming Northern Territory's option prior to or in addition to formal disciplinary measures.
- 1.2 Swimming Northern Territory may formally discipline employees for unacceptable performance or behaviour using such means as but not limited to written warnings, suspension without pay, disciplinary demotions, and discharge.
  - 1.2.1 The employee shall receive written notice of any formal disciplinary action and a copy of such notice shall be placed in the employee's personnel file. Such notices should include the reason for the discipline; the type of disciplinary action taken, including dates and duration where applicable; the improvement or corrections expected; and the consequences of failure to make required improvement.
  - 1.2.2 Where notices cannot be issued in person, they should be delivered by certified mail.

#### 2. Termination

- 2.1 Employees who have not completed their probationary period in a permanent position may be terminated any time during the probationary period without cause and without prejudice. Employees who are terminated during their probationary period need not be given reasons for their termination nor are such employees entitled to the pre-termination review outlined in section 3.1 of this policy.
- 2.2 Employees who have completed their probationary period may be terminated for cause if they fail to perform their jobs in a satisfactory manner or if their behaviour otherwise interferes with the efficient operation of the unit. Discharge shall be through a process of three written warnings except in serious cases of unsatisfactory performance or unacceptable behaviour. Classified employees who are terminated for cause shall be given written notice of their termination which specifies the date the termination is effective and the reasons for the discharge.

- 2.3 Employees who are employed through individual employment contracts under the authority of the Board of Directors may be terminated for cause at any time during the contract period. Discharge should not be an initial disciplinary action except in serious cases of unsatisfactory performance or unacceptable behaviour. Employees with employment contracts who are terminated for cause shall be given written notice of their termination which specifies the date the termination is effective and the reasons for termination.
- 2.4 Employees who are employed through individual employment contracts under the authority of the Board of Directors may be terminated without prejudice and without a showing of cause upon written notice and expiration of their employment contract. Employees shall be given written notice of intent not to renew their contracts at least thirty (30) days prior to termination during the first year of employment, three (3) months prior to termination during the second year of employment, or six (6) months prior to termination during the third or subsequent years of employment. Employees who are given the specified notice of their termination are not entitled to reasons for their termination or the pre-termination review provided for in *section II A* of this policy.
- 2.5 If there is any inconsistency between this Policy and an individual employee contract, the individual employee contract prevails.

### **3. Procedures**

- 3.1 A pre-termination review shall be conducted prior to the termination of an employee who has completed the probation period. A pre-termination review shall be conducted prior to the termination for cause during the contract period of an employee who is employed through an individual employment contract. The purpose of the pre-termination review is to ensure there are reasonable grounds to believe the allegations against the employee are true and that the allegations support the discharge decision.
  - 3.1.1 The pre-termination review shall be conducted by the President or another person designated by the Board of Directors and shall include: notice of the allegations supporting the recommended discharge action, notice of the substance of the evidence supporting the allegations, an opportunity to submit a written response, an opportunity to meet with the investigator, and an opportunity to present rebuttal witnesses.
  - 3.1.2 Upon completion of the pre-termination review, the investigator shall report his or her findings to the Board of Directors who shall decide, based on the findings, whether or not the decision to discharge is supported.
- 3.2 Payment of wages for employees who are terminated pursuant to Section 2, 2.1., 2.2., or 2.3. are due and payable on the next regular payday for the pay period during which the employee was terminated or 15 calendar days from the date of termination, whichever occurs first.
- 3.3 At the time the termination becomes effective, the employee shall be informed of the right to appeal the decision to terminate.

### **SCOPE**

This policy applies to all Swimming Northern Territory staff, volunteers, contractors and interns while they execute duties on behalf of Swimming Northern Territory.

### **POLICY PROMOTION**

This policy will be made available to all members via the Swimming Northern Territory website at [www.nt.swimming.org.au](http://www.nt.swimming.org.au) and through the annual handbook, or its equivalent publication. This policy will be communicated to all staff members, board members, committee members and regional committees annually.

**REVIEW**

This policy will be reviewed by the Board of Swimming Northern Territory in July every even year (i.e. 2012, 2014, 2016).

**ADDITIONS OR AMENDMENTS**

In addition to the scheduled review of this policy recommended changes to the policy may be submitted to the Board of Swimming Northern Territory for consideration, at any time. In the event that the changes are accepted, the policy will be updated, dated and circulated to all relevant stakeholders.

