[Insert Company Logo]

**Disciplinary Action Policy**

**Purpose**

At [Insert Company Name], we are committed to maintaining a safe, respectful, and productive work environment. This policy outlines how disciplinary issues will be addressed when a worker’s behaviour, conduct, or performance does not meet expected standards.

We will act fairly, consistently, and in accordance with our legal obligations under the **Employment Relations Act 2000 (NZ)**. All disciplinary actions will be handled in a way that reflects our duty to act in **good faith**, including the principles of **natural justice and procedural fairness**.

**Scope**

This policy applies to:

* All workers employed by [Insert Company Name] across any site or work-related environment.

**Principles of Fair Process**

Before any disciplinary action is taken:

* The worker will be **told the specific concerns or allegations**.
* They will be **given a reasonable opportunity to respond**.
* They may have a **support person or representative present** at any formal meeting.
* We will **genuinely consider the worker’s explanation** before making a decision.
* Any disciplinary outcome will be **appropriate to the seriousness of the issue**.

This reflects our obligation to act as a **fair and reasonable employer** under section 103A of the Employment Relations Act.

**Grounds for Disciplinary Action**

Disciplinary action may be taken for:

* Failing to follow safety procedures or company policy
* Repeated unsafe behaviour or neglecting duties
* Harassment, bullying, or discrimination
* Intoxication or drug use while at work
* Dishonesty or falsifying documentation
* Reckless use of vehicles or equipment
* Insubordination or refusal to carry out lawful and reasonable instructions
* Repeated lateness, poor attendance, or underperformance

**Types of Disciplinary Action**

Disciplinary action may be **progressive** or **immediate**, depending on the severity of the issue.

**1. Verbal Warning**

* For minor breaches or early-stage concerns.
* The issue is discussed and expectations are clarified.
* May be noted informally.

**2. Written Warning**

* For more serious or repeated breaches.
* The warning will include details of the concern, expectations moving forward, and consequences if there is no improvement.
* A record will be kept.

**3. Final Warning**

* Used when the matter is very serious, or if previous warnings have not been followed.
* The worker will be informed that further issues may lead to dismissal.

**4. Dismissal (Termination of Employment)**

* Reserved for cases of serious misconduct or continued non-compliance after prior warnings.
* May be with or without notice, depending on the circumstances.

**Serious Misconduct**

Some conduct is considered **serious misconduct**, which may justify dismissal without notice. Examples include:

* Theft or deliberate damage to property
* Assault, threats, or violence at work
* Gross breaches of health and safety
* Intoxication while on duty
* Harassment or discrimination
* Refusing to follow lawful and reasonable instructions
* Falsifying time records, reports, or qualifications

In such cases, a **full investigation** will be carried out and the worker will be given the opportunity to respond before any final decision is made.

**Mediation and Conflict Resolution**

Where appropriate, [Insert Company Name] may offer or agree to **mediation** to help resolve disputes or conflicts before or during the disciplinary process. Mediation is a confidential process where an independent person helps those involved reach a mutual agreement.

We may:

* Offer internal mediation between the worker and manager or involved parties
* Engage an **external mediator** (e.g., through Employment Mediation Services at MBIE in NZ, or Fair Work Commission in Australia)
* Use mediation as part of the appeal process if both parties agree

Mediation does not prevent formal disciplinary action from being taken if serious misconduct has occurred. However, it can help **restore working relationships**, reduce misunderstanding, and resolve concerns in a **low-conflict, fair way**.

**Recordkeeping**

All formal disciplinary actions will be recorded and stored securely. Verbal warnings may be documented informally by the managers for consistency.

**Right to Appeal**

Workers have the right to raise concerns or challenge disciplinary decisions. Appeals should be made in writing within a reasonable timeframe and will be reviewed by a senior manager or company director.

**Good Faith Engagement**

We are committed to maintaining **open and respectful communication** at all times, including during disciplinary matters. All actions taken under this policy will be consistent with the duty of good faith required by the Employment Relations Act 2000.

**Policy Review**

This policy will be reviewed annually or after any significant change in employment law or company operations.

**Company Details**

Company Name: [Insert Company/Trading Name]

Officers/Directors: [Insert Name(s)]

Date: [Insert Date]

Signed: [Signature(s)]

Next Review Date: [Insert Date]