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Disciplinary Hearing Process

The Disciplinary Hearing Process At A Glance



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A disciplinary process should address concerns about an employee's conduct or behaviour in a fair, consistent and transparent manner. It should follow a completed investigation where there is a case to answer and give the employee a full opportunity to respond before any decision is made.

When conducting a disciplinary process, ensure you have:

- [ ] Remained impartial
- [ ] Followed fair procedures and company policy
- [ ] Considered all evidence
- [ ] Provided adequate notice
- [ ] Maintained confidentiality
- [ ] Kept accurate records
- [ ] Gave the employee a full opportunity to respond
- [ ] Provided adequate notice
- [ ] Applied proportionate and consistent outcomes
- [ ] Confirmed outcome in writing
- [ ] Provided an opportunity to appeal

Remember: No disciplinary decision should be predetermined. The employee's response must be genuinely considered before reaching an outcome, and any disciplinary action must be fair, reasonable and proportionate.

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Review Investigation Report
Decide if the matter should be referred to a disciplinary hearing based on the investigation report findings

Formal Invite to Disciplinary Hearing
Invite in writing (Right to representation/Potential for disciplinary outcome/ include copy of compliant/ statement (where applicable))

Disciplinary Hearing
Conducted by alternative Manager/any further questions following Investigation/ adjourn for consideration of any new information

Disciplinary Hearing Minutes
Confirm accuracy of minutes with the employee

Draft and Distribute Outcome/ Warning Letter
Issued no earlier than 1 day after Disciplinary Hearing/ Reasons for sanction/ duration of sanction/ Advise of Right to Appeal where warning is given

Invite to Appeal Hearing
Impartial , more Senior Manager will conduct the Appeal Hearing/ seek and clarify reasons for appeal/ adjourn for consideration/ verify, check facts

Appeal Hearing Minutes
Confirm accuracy of minutes with the employee

Issue Appeal Hearing Outcome
Letter issued to Employee confirming decision

HR Compliance Reminder

- ✓ Ensure the disciplinary process follows a completed investigation
- ✓ Check that the employee has been informed of their right to representation at the hearing
- ✓ Ensure the person conducting the hearing has the appropriate authority and has not been involved in the investigation
- ✓ Consider any relevant mitigating circumstances before reaching a decision



MSS Compliance Tip

Allow sufficient time to prepare for the hearing and review the investigation findings before meeting with the employee. Keep an open mind throughout the process, consider the employee's explanation carefully and ensure the hearing is an opportunity to establish the facts before deciding on an appropriate outcome.

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