



# Procedure 3.07 - Performance Coaching and Discipline

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## 1 Application

This procedure applies to employees of North Queensland Bulk Ports Corporation (NQBP).

## 2 Procedure

This procedure provides the process under which coaching and disciplinary action may be taken in response to misconduct or unsatisfactory performance. Allegations of poor performance or misconduct are to be investigated and dealt with according to this procedure. This includes steps to take to improve and correct employee performance and/or behaviour to a satisfactory standard and the formal disciplinary process where conduct or performance is unacceptable.

### 2.1 Principles

The principles that NQBP endorse when handling unsatisfactory performance, behaviour or conduct of an employee, include:

- The NQBP Value of being respectful;
- Consistency, impartiality, and consultation by management;
- Employee responsibility and accountability for their performance;
- Matters will be addressed in a timely way

In general, an employee's performance and/or behaviour is deemed to be unsatisfactory when:

- They fail to meet identified and reasonable standards of performance relevant to the employee's position and role, and/or
- They fail to comply with or breach a policy, procedure, standard or process.

### 2.2 Responsibilities

#### Executive Managers

- Approval of any warnings or suspension
- Provide coaching and assistance to supervisors and managers
- Ensure compliance with policy
- Address any grievance raised by an employee concerning the process
- CEO to approve termination of employment

#### Managers/Supervisors

- Monitor and hold employees accountable for performance and conduct
- Adhere to procedure requirements ensuring a fair and equitable process
- Keep notes/records for informal and formal processes
- Apply appropriate outcomes
- Informing employees as soon as a problem or issue is identified;
- Promote and educate employees on relevant policy, procedure and expectations
- Provide support, coaching, training and mentoring as required and agreed

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				Page	Page 1 of 4
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### Employee

- Maintain accountability for performance and behaviour
- Participate in discussions and adhere to outcomes as requested

### Human Resources

- Provide education and resources to management and supervisors to effectively use the procedure
- Participate in discussions and disciplinary decisions

## 2.3 Process

Depending on the incident or issue identified, an informal or formal process may be required. The concerns, details and implications should be considered in order to determine the seriousness of the matter. Performance Improvement and disciplinary action may be outcomes of these processes. Procedural fairness should be afforded to employees.

### 2.3.1 Informal

Informal coaching discussions may be utilised when there is a first offence and the performance or behaviour concern is minor. The concern does not require disciplinary action and coaching is expected to improve performance or behaviour by confirming expectations and any corrective actions required.

During an informal process, the supervisor or manager should:

- I. Investigate to confirm the facts/evidence/history/expectation and to identify impacts.
- II. Meet with the employee to outline the performance or behaviour issue and provide any supporting information. Hear the employee's response and explanation, then provide coaching in relation to addressing the issue.
- III. Implement outcomes. This may include; clarifying expected standards of behaviour and/or performance; providing a copy of supporting documents (eg. Company procedure or role description); providing additional training developing a performance improvement plan
- IV. A record of the issue, coaching discussion and any outcomes should be made.

The employee is to be reminded of support available through the Employee Assistance Program and that if there are further issues or performance continues to be below standard that disciplinary action may be taken.

### 2.3.2 Formal

A supervisor or manager may use a formal process:

- In cases of more serious underperformance or misconduct; and/or
- Where the coaching process has already been used and the underperformance or misconduct is continuing
- Where disciplinary action may be appropriate

During a formal process, the supervisor or manager should;

- I. Investigate  
Confirm the concerning behaviour or underperformance. Establish the facts, gather evidence/, consider history and expected standards (eg. Did the employee know of the standard/procedure). Identify the impacts of concern. Witnesses should be interviewed or statements taken to gather all available information.
- II. Conduct an investigation meeting  
Reasonable notice should be provided to the employee of the intention of the meeting. The employee should be given an opportunity to bring a support person to the

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## Procedure 3.07 - Performance Coaching and Discipline

meeting. A HR representative should be present during investigation meetings. During the meeting the supervisor/manager should outline the alleged performance or misconduct issue and provide any relevant supporting information/evidence. The employee is given an opportunity to provide a response and explanation to the issue raised. A record of the meeting should be taken.

- III. Finalise investigation and decide on appropriate outcome/s  
Once all information has been gathered and interviews conducted, the investigation will be finalised. Outcomes will depend on if misconduct has occurred or continued underperformance is demonstrated. Outcomes may include disciplinary action, coaching, performance improvement or other action appropriate to address and manage the issue.
- IV. Finalise documentation  
All investigation records including signed warning letters are to be provided to HR.

### 2.4 Performance Improvement

A performance improvement plan is generally used where an employee has been underperforming or has repeatedly demonstrated poor behaviour. It can form part of an informal or formal process.

The provision of guidance, feedback and support to employees is an important part of the normal day to day responsibilities of all supervisors and managers and an essential preliminary stage for managing performance and/or behavioural concerns. Most performance and/or behavioural issues can be resolved through feedback and coaching.

#### Step 1 - Discuss performance gap/behaviour issue

Discuss issue with the employee, explaining the expectations and where the employee has not met the expectations.

#### Step 2 – Complete and agree on the performance improvement plan

Complete the performance improvement template, detailing areas for improvement, actions to be taken, criteria for improvement and support given. Actions for improvement should be measurable and relevant to the satisfactory performance standard of the role. The review frequency and duration of the improvement plan should be confirmed.

#### Step 3 - Support, coach and review improvement

Review meetings should occur in accordance with the agreed frequency. Evidence of improvement and actions taken should be provided and discussed during these meetings. A record should be made of all review meetings and key points discussed.

#### Step 4 – Assess improvement

At the end of the improvement plan period, a final meeting should take place to discuss the outcomes of the performance improvement process. There should be no surprises as to the progress being made by the employee given the regular reviews. If the employee has demonstrated improvement to the satisfactory performance level or ceased the unacceptable behaviour, the plan will be signed off and the performance improvement process will finish. If sufficient improvement hasn't been achieved or there are further issues, a formal process and disciplinary action may be taken.

### 2.5 Procedural fairness

Procedural fairness should be afforded to employees against whom allegations are made and disciplinary action is being considered.

Procedural Fairness may include:

- The most appropriate person conducting the investigation and dealing with the issue;
- Discussions are to be held in a private and confidential location where possible;

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				Page	Page 3 of 4
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## Procedure 3.07 - Performance Coaching and Discipline

- Full investigation into the matter before deciding on outcome/s
- The employee should have adequate opportunity to respond to the allegations & provide any evidence
- Employee responses should be taken into account including mitigating factors, before outcomes decided
- Appropriate coaching and/or warnings should be given to suit the circumstances
- The employee to be advised that if their conduct or performance doesn't improve to the expected standard, they may be subject to disciplinary action
- The employee being provided with the opportunity to have a support person present during investigation meetings.
- A support person of the employee's choice may attend a meeting at the employee's request. The support person may be another staff member, a representative, a friend, relative or legal representative. The role of the support person is to provide support to the employee during the meeting(s). Generally the support person must not speak on behalf of the employee or tell the employee what to say unless asked to do so by the person conducting the meeting. The employee may be reminded that it is a reasonable request that they participate in the discussion and provide responses.

### 2.6 Disciplinary Action

Disciplinary action will generally be required as a result of:

- a breach of the corporation's policy, standards, employment contracts; or
- misconduct; or
- After adequate opportunity has been made to improve unsatisfactory performance and/or behaviour where there is not sufficient evidence of improvement.

Human Resources must be consulted before any formal disciplinary action is taken.

Disciplinary options available include;

- Verbal Warning
- Written Warning
- Demotion
- Termination of Employment (with notice) or;
- Summary dismissal (termination without notice)

If the matter is of a serious nature and termination is possible, it may be appropriate to stand down the employee from work until the issue is investigated. HR and Legal are to be consulted prior to taking this action.

### 3 Performance Coaching and Discipline Policy, Procedure and Legislative Framework

NQBP is a Government Owned Corporation and a port authority and is required to comply with its own policies, prescribed applicable legislation and State Government policies and procedures. This procedure should be read in conjunction with:

- (a) Policy 1 – Governance
- (b) Policy 2 – Compliance
- (c) Policy 3 - Human Resources Management;
- (d) Procedure 3.08 - Grievance Resolution;
- (e) *Fair Work Act & Regulations 2009* (Cth)

### 4 Procedure Review Date

This procedure should be reviewed by 30 June 2019.

### 5 Definitions

**NQBP:** means North Queensland Bulk Ports Corporation Limited ACN 136 880 128.

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