



PELORUS COMMUNITY PRESCHOOL

Misconduct and Disciplinary Procedure

Education [Early Childhood Services] Regulations 2008 (and its Amendments): Regulation 47

Licensing Criteria for Early Childhood Education and Care Centres 2008: Criterion GMA7

Rationale

The Committee of Pelorus Community Preschool support the employees, children and family/whānau within the preschool environment by ensuring a fair and consistent process where misconduct, serious misconduct or disciplinary matters have arisen.

The purpose of this procedure is to ensure that all parties are treated fairly and consistently in accordance with their Employment Rights.

- The Collective Agreement will cite examples of what constitutes misconduct and serious misconduct. See appendix 1

Employees performance requirements and standards will be outlined in their Job Description and discussed as part of their Performance Appraisal.

Misconduct / Substandard Performance

1. Where the Employer has a concern about an Employees conduct or substandard performance, the Employer will provide the Employee with information about the concern and the seriousness of it.
2. A formal meeting will be arranged between the Employer and the Employee.
3. The Employer will provide the Employee with an opportunity to take advice before the meeting, be represented at the meeting and provide the Employee with a proper opportunity to respond to the concern.
4. Any warning made will be confirmed in writing outlining the details of the misconduct or substandard performance.
5. The Employer will explain to the Employee that their employment is in jeopardy if the misconduct is repeated or the substandard performance is not adequately

addressed.

6. Where a warning has been issued for misconduct or substandard performance, the Employer will advise the Employee how the Employees performance should be addressed and the Employer shall give the Employee a reasonable time within which to attain the required standard.

Licensing Criteria

Suitable human resource management practices are implemented (GMA7).

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Appendix 1

Examples of what constitutes misconduct and serious misconduct, this list is not exhaustive.

Below are examples of actions the Pelorus Community Preschool constitute as misconduct and serious misconduct. These actions may result in summary dismissal.

Where these actions occur at the Pelorus Community Preschool each action would be assessed on its facts and a full and fair investigation into the alleged conduct would take place prior to a decision to terminate.

- Unauthorised taking, possession or use of property, including money, information, intellectual property, resources belonging to or under the control of the employer
- Possession or use of the property of other employees without the owner's permission
- Repeated refusal to undertake the duties of the employees position, or to carry out any proper and lawful instruction given by the employer or any other person acting with the authority of the employer.
- Physical violence or threats of physical violence against any person or child, on the employer's premises
- Racial, sexual or other improper harassment of any other employee, the employer, the children, the children's families or any other visitor to the preschool. Harassment is defined as any unwelcome behavior that is severe, persistent and/or pervasive and has the effect of interfering with someone's work environment.
- Repeated bullying of a staff member, a member of any staff's family, the children, the children's families or any other visitor to the preschool. Bullying is defined as physical, verbal or indirect behavior that is cruel and intentional.
- Being at work under the influence of drugs or alcohol
- Bringing drugs into the workplace
- Interfering with safety equipment, failure to follow instructions or otherwise acting in a manner that threatens safety, health or hygiene in the workplace or in a manner that hinders the safe and proper performance of the duties of other employees.
- Falsification of time sheets, attendance records or other special payment records, or any other actions which could result in a payment to which an employee is not entitled
- Performing a deliberate action or inaction that leads or would lead to profit loss for the employer
- Committing or allowing illegal activities to occur in the workplace

-Abuse or mistreatment of the children at the preschool, leading to possible distress, illness or injury or death (as a direct or indirect result of abuse)

-Abuse of sick leave or bereavement leave

-Sending or saying any offensive, insulting or harassing messages to other Employees

-Misrepresentation during the pre-employment stage

-Any other act or omission which, while not specifically covered by the foregoing classes of misconduct, is of a similar nature

Where an offence has occurred and an appropriate warning has been issued, the following actions may lead to dismissal.

-Persistent failure to achieve performance standards

-The use of abusive, obscene, or threatening language to another person in the workplace

-Unauthorised gambling on the employers premises

-Disrupting the workplace by acts of undesirable behavior or horseplay and disrupting any other employee from carrying out that employees duties

-Unauthorised absence from duty

-Failure to comply with the employers policy on smoking in the workplace

-Allowing the employees family or visitors into the preschool to act in a manner that threatens the safety, health standards or hygiene in the workplace, that threatens the children, the children's families or visitors own safety or allowing any action by the family member or visitor that hinders the safe and proper performance of the duties of other employees

-Any act or omission which, while not being serious misconduct, has a significant effect on the employees ability to carry out the duties of the employees position.

-Any act which is likely to diminish the good reputation of the employer in the community

-Bringing alcohol into the workplace without permission or

-Any other act or omission which, while not specifically covered by the foregoing classes of misconduct, is of a similar nature.