



## **DISCIPLINARY AND MISCONDUCT POLICY**

### **1. PURPOSE AND SCOPE**

Cycling New Zealand (CNZ) is committed to providing all employees with the information they need to understand and meet CNZ policies, values, behaviour and performance requirements. Where there is a shortfall in meeting those, this policy outlines the processes used to address that shortfall that are fair and consistent. Cycling NZ may invoke these procedures in a situation where for example an instance of misconduct or serious misconduct, or breach of the employment agreement or other CNZ policies or Values exists

These guidelines apply to all employees CNZ.

### **2. VISION AND VALUES**

CNZ has the vision of Inspiring New Zealanders to Ride, and to do this we are seeking to build and maintain a world class organisation with the following core values:

- We are proud of who we are, what we do, and the sport and organisation we represent
- We care equally about people and performance
- We are inspired and inspiring
- We are humble and engaging
- We are driven by the legacy we will leave

To achieve this vision and remain aligned to these values, all individuals outlined in these guidelines must be conscious of and responsible for their own conduct and behaviour.

### **3. DEFINITIONS**

#### EXPECTATIONS OF CONDUCT AND BEHAVIOUR

CNZ has a Code of Conduct policy which outlines the expectations of employees. This together with the Values and other policies define who we are and should reflect all employee behaviour towards each other and their performance expectations.

### **3.1 Misconduct**

Behaviour or conduct that is inconsistent with CNZ policies and procedures and includes failure to meet performance expectations standards as required in the role, or as reasonably instructed by a manager.

Examples of this are below:

- Using inappropriate language
- Internet misuse
- Minor instances of failing to follow an employer's reasonable and lawful instruction
- Minor breaches of the employment agreement eg inappropriate clothing
- Lateness

### **3.2 Serious Misconduct**

Serious misconduct is conduct or behaviour that is inconsistent with CNZ code of conduct and policies and it is sufficiently severe can have the effect of destroying or undermining the relationship of trust and confidence between an employee and employer.

An instance of misconduct which is not serious doesn't, on its own, undermine or destroy the relationship of trust and confidence between an employee and employer, however repeated instance of this behaviour or conduct could constitute serious misconduct.

Example of which are:

- Theft
- Falsification of Cycling NZ records
- Wilful damage to Cycling NZ property
- Being intoxicated or under the influence of, or using, illegal substances or drugs whilst on Cycling NZ business, or any work premises or property
- Inappropriate use of electronic media including pcs or the internet

## **4. THE POLICY**

CNZ intends to create a culture that gives a positive and mutually rewarding employment relationship that, where possible, avoids any need for disciplinary action.

If an employee's action breaches CNZ policies or their performance or behaviour is consistently below the expected level, formal disciplinary processes may be implemented

CNZ will follow clear processes which will include a proper investigation. This process will be fair and reasonable and will provide for non-disciplinary interventions as appropriate and will take into account the seriousness of the employees' actions.

Poor performance will, in the first instance be managed through the Cycling NZ Performance Improvement Plan.

## 5. PROCEDURES

Where it is necessary to address a shortfall an employees' performance, behaviour or breach of CNZ policies this will be carried out in line with the process detailed below to ensure a fair and consistent process is applied to all cases.

### 5.1 Process

In the first instance the following process will be followed:

- Consider whether there is good reason to start a disciplinary process
  - Some preliminary investigation may be necessary. Talk to anyone who was involved or the employee who may be disciplined.
  - Any preliminary investigation should test whether or not there is an issue to be resolved.
- Investigate
  - Advise the employee of the specific matter causing concern and why it is considered to be a concern.
  - Ensure the employee understands that the investigation is not a disciplinary event but that it could result in disciplinary action.
  - The employee should be advised to bring a support person to the investigation should be they wish too
- Formal meeting
  - Following investigation if it has been determined that the problem may amount to misconduct or serious misconduct.
  - The employee should be invited in writing to attend a disciplinary meeting.
  - The invitation should include the following information:
    - The time, date and location of the meeting
    - Clearly identify the alleged misconduct/serious misconduct and provide all investigation notes.
    - The employee will be given an opportunity to respond to the alleged misconduct/serious conduct
    - Potential outcomes of the meeting for example disciplinary action such as a written or final written warning.
    - A reminder that a support person or representative may accompany the employee to the meeting
    - EAP support if available.
- At the meeting
  - A decision maker needs to lead the meeting on behalf of CNZ
  - The allegations, concerns and investigation results should be fully discussed
  - The employee should have an opportunity to respond to the concerns
  - Once the employee has responded the decision maker will adjourn the meeting to consider the all the information and make a decision
  - The meeting is then reconvened for the decision to be communicated

- Possible Outcomes

Following a fair and reasonable process CNZ may:

- Step 1 Give a formal written warning, the details of which will be placed on the employees file. The warning will remain on file for 12 months.
- Step 2 Give a final written warning if the formal written warning is not heeded, there is further misconduct or serious misconduct. This will state that further misconduct or serious misconduct may result in dismissal and the warning will remain on file for 12 months
- Step 3 Dismissal, either summarily (without notice) or with notice, if the final warning is not heeded, further misconduct or serious misconduct.

In cases of serious misconduct, an employee may be dismissed without notice and without payment in lieu of notice.

## 6. FINAL DECISION

The final decision will always be given in person and recorded in writing and will show that the employee’s comments have been taken into consideration.

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