

Do You Have an Adequate Disciplinary Policy?

An employer who suspended an employee without pay over sexual harassment allegations has been ordered to pay the employee \$20 000 for a failure to provide details of the complaints made against him.

In short the employer had taken immediate steps to suspend the employee once allegations of sexual misconduct had arisen. The employee had been informed in general terms of the nature of the allegations but no details were provided

The Federal Court decided that the employer had failed to provide procedural fairness to the employee by not providing him with adequate particulars of the allegations

What this means for your business

- Employers must ensure that they have a clear and detailed disciplinary policy in place that explains each step in the process.
- The policy must ensure that an employee that is accused of misconduct is given clear details of each allegation made
- The policy must also ensure that the employee is given a proper opportunity to answer the allegations and in a timely manner.
- The affording of procedural fairness needs to be balanced with the right of privacy of both the accused and those that were victims and witnesses of the misconduct