GROSS MISCONDUCT DISCIPLINARY HEARING

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| Crew Member allegedly commits a breach of the Code of Conduct | | | | | | | | | | | | |
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| Investigating Manager carries out required investigation with support of HR Manager and deems the case to be alleged gross misconduct  HR Manager check’s employees disciplinary record (continued misconduct could be deemed as gross misconduct)  For cases of potential Gross Misconduct, an investigation report must be completed and submitted to the Director Fleet HR and Crewing  Master decides whether the case is serious enough for potential dismissal in which case the Master must chair the hearing  If the Master believes that dismissal is not a likely outcome, they may delegate to the Staff Captain to chair the hearing | | | | | | | | | | | | |
|  | | | | *If investigation does not find alleged gross misconduct, refer to C604a* | | | | | | | | |
| HR Manager completes DIS 2  Master (or Staff Captain) checks & signs DIS 2 setting the time & date for a disciplinary hearing to be held (giving reasonable notice) | | | | | | | | | | | | |
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| HR Manager issues DIS2 to Crew Member and Crew Member is asked to sign to acknowledge receipt of DIS2 | | | | | | | | | | | | |
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| Master (or Staff Captain) convenes disciplinary hearing | | | | | | | | | | | | |
| HOD or Supervisor, Crew Member, Colleague if required and HR Manager are present  If the Crew Member does not attend, the hearing continues in their absence  In cases of alleged Gross Misconduct, HR Manager must take meeting minutes  In cases of dismissal, HR Manager must prepare a ‘Captain’s Court Report’ | | | | | | | | | | | | |
| *If at any point during a hearing held by the Staff Captain, it becomes apparent that dismissal could be a potential outcome, the hearing must be adjourned for the Master to re-convene (only the Master can dismiss a crew member)* | | | | | | | | | | | | |
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| Master (Staff Captain) reads out the allegation to the Crew Member and checks the Crew Member’s understanding | | | | |  | |  | | | | | |
| Master asks if the Crew Member admits the allegation | | | | |  | |  | | | | | |
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| Allegation denied or partially denied |  | | | |  | |  | | | Allegation fully admitted | | |
| Master (Staff Captain) questions the crew member to understand their version of events | | | | | | | |  | | |  |  | |
| Crew Member is to be given the opportunity to give a statement and ask any questions about the allegation | | | | | | | |  | | |  |  | |
| Any witnesses can be called if relevant | | | | | | | |  | | |  |  | |
| Master (Staff Captain) may re- question witnesses regarding the allegation or question new witnesses if required | | | | | | | |  | | |  |  | |
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| If appropriate, the employee may be given the opportunity to call and question any witnesses regarding the allegation | | | | | | | |  | | |  |  | |
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| Master (Staff Captain) asks any additional questions of the Crew Member, allows the Crew Member to give a verbal statement in the hearing and reviews all the evidence submitted in order to make an informed and fair decision on the outcome | | | | | | | | | | | | |  |
| Master (Staff Captain) decides if they have reasonable grounds to believe that the Crew Member has breached the Code of Conduct or not | | | | | | | | | | | | |  |
|  | | | | *No reasonable grounds to believe Crew Member has breached the Code* | | |  | |  | | *Reasonable grounds to believe Crew Member has breached the code* | | | |
| Crew Member is advised that disciplinary action will not be taken  DIS 3 Completed with result and copy given to the Crew Member (this can be done in the hearing or after the hearing)  Employee is asked to acknowledge receipt of the DIS3  Hearing closed | | | | | | |  | | Master (Staff Captain) reviews the case in question  It is advisable for the Master (Staff Captain) to adjourn the hearing to gather further information and/or to determine if there are any mitigating circumstances to be considered before making a decision | | | | | |
| Entry made in OLB regarding the hearing and outcome | | | | | | |  | |  | |  | | | |
|  | | | |  | | |  | | Crew Member advised what disciplinary action will be taken  DIS 3 Completed with result and copy given to the Crew Member (this can be done in the hearing or after the hearing)  Employee is asked to acknowledge receipt of the DIS3  Hearing closed | | | | | |
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|  | | | | | | |  | | An entry is to be made in OLB re the hearing and result. | | | | | |

For all disciplinary hearings, a copy of the DIS2 and DIS3 is sent by the HR Manager to the ‘Appraisals’ email. HR Manager keeps scan copies on file for one year. Staff Captain files the original paperwork.

On Silver Explorer, HR Manager is replaced by Finance Officer.