



MINISTRY OF CLIMATE CHANGE

2022 Version

INTERNAL GUIDELINE FOR MANAGING STAFF DISCIPLINE

CONFIDENTIAL

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1. INTRODUCTION

The Ministry of Climate Change is currently made up of 5 Departments: Vanuatu Meteorology & Geo-Hazards (VMGD), Department of Energy (DoE), Department of Environmental Protection & Conservation (DEPC), National Disaster Management Office (NDMO), Department of Climate Change (DoCC) including the Corporate Service unit which is headed by the Director General. MoCC is fairly a big Ministry which is very important to have a compliance guideline in place to professionally manage its staff issues.

The Chapter 6 of the Public Service Staff Manual is specifically about managing staff discipline. Staff of the Public Service are to have the highest ethical standards; be accountable for their actions; and observe the law in all they do as public servants. Consequently, to ensure that the highest standards of appropriate and ethical behaviour are maintained in the Public Service, it is important that when a staff member commits a disciplinary offence, it is resolved promptly and effectively and in accordance with the disciplinary requirements of the Public Service Act and the procedures in the chapter 6 of the Manual. (See Annex 1)

It is very important that Directors, Managers and supervisor identify and deal with issues such as poor performance or unacceptable conduct, before they become disciplinary matters. The Issuing of disciplinary decisions heavily depends on new offense which means, repeated offence and the serious-ness of offense which entirely depend on the Director or Director General how they weigh the nature of the offense. These Disciplinary measures will be explained in more detail in section 2 of this document.

PURPOSE OF THIS GUIDELINE TO ENSURE:

- The Ministry professionally manage its issues to promote a good healthy working environment.
- All staffs have a clear understanding on managing emerging issues they came across.

2. INTERNAL GUIDELINE

Table below outlines the internal disciplinary guideline to help the Ministry to manage its issues in the first stance before referring it to the Public Service Commission.

STAGES	STEPS	EXPLANATORY NOTE OF THE DISCIPLINE STEPS	TIME FRAME
<p>1. Informal Counselling</p>	<p><i>1. Discussions between supervisor and staffs on what needs improvement (e.g., timekeeping, attendance, conduct, work standards)</i></p> <p><i>2. Given the opportunity to officer for explanation.</i></p> <p><i>3. Give an action plan to bring about the required improvement based on agreement for both supervisor and officer.</i></p> <p><i>4. A written note, signed by both supervisor/manager and employee, of the agreed action to be taken. (see annex 2)</i></p>	<ul style="list-style-type: none"> • The pre-disciplinary procedure informal counselling should be carried out to ensure the employee knows the standards expected, and should be carried out by a supervisor/manager 	
<p>2. Verbal Warning</p>	<p><i>1. The Verbal Warning should be documented on a Disciplinary Warning form. (see Annex 3)</i></p> <p><i>2. The warning should recap what was discussed, the policy violation, prior discussions or warnings, behaviour that needs to be modified and expectations of the employee.</i></p>	<ul style="list-style-type: none"> • The Supervisor shall, through his or her manager, inform the Director of the Department if resolutions for informal counselling is unsuccessful 	

	<p><i>3. All Verbal Warnings should be reviewed by Human Resource before the Warning Document is provided to the employee.</i></p>		
<p>3. Notice of Allegation</p>	<p><i>1: The Director shall properly notify the employee of the allegations (with evidence) and provide him or her 7 days to respond to the allegations. (see Annex 4)</i></p> <p><i>2: Where the employee failed to respond to the allegations within 7 days the Director shall proceed to issue a Warning, if in his/her opinion the employee did commit the disciplinary offence.</i></p>	<ul style="list-style-type: none"> • Director plays important role here when received all evidences of stage 1 and 2 from the Manager and supervisor. 	<ul style="list-style-type: none"> • Allow 7 calendar days (includes weekends and public holiday) for officer to respond to the allegations.
<p>4. First Written warning</p>	<p><i>1: The Director may only issue a First written warning after having received a response from the employee.</i></p> <p><i>2: The Director's warnings and any written response from the officer shall be placed on the officer's personal file within the Ministry. (This step applies when the response received from the offender and discussed between both parties and if in his/her (Directors) opinion the employee did commit the disciplinary offence. (See Annex 5).</i></p>	<ul style="list-style-type: none"> • Director or DG only signs off the first warning letter. 	<ul style="list-style-type: none"> • Director or Director General issued first written warning only after 7 days where he/she receives the response of allegation from the officer.

<p>5. Second written warning</p>	<p><i>Same process applied in first warning (see Annex 6)</i></p>	<p>Second warning only applies to the same offence which the offender has received an informal concealing, verbal warning and first warning on. In the case that it's a different or new offence, a new process is to be followed starting from Stage 1 above.</p>	<ul style="list-style-type: none"> • Second written warning issued after 7 days the Director or Director General receives the response of allegation from the officer
<p>6. Suspension</p>	<p><i>1: The Director of the Department where the officer works, may suspend the officer on half pay. (see Annex 7)</i></p> <p><i>2: Director must Immediately inform his or her Director-General of the suspension who shall confirm or vary the Director's decision within 24 hours.</i></p> <p><i>3: The Director-General shall refer the matter formally to the Commission in writing, providing a fully completed Discipline Report (PSC FORM 6 -1) of the offence and details of what steps have been taken by the Ministry to resolve the matter. Copies of the "First" and "Second" warning letters and/or the "Notice of Suspension" letter are also to be provided to the Commission with the report. (see Annex 8)</i></p> <p>4: <u>Applied to Directors only</u></p>	<ul style="list-style-type: none"> • Officers are suspended from duty (on half pay) and can only be suspended by a Director, Director-General or the Commission. • Suspension for serious discipline matter, the Commission should be informed immediately, and the matter is to be referred to it with the required documentation as soon as possible, and wherever possible within 10 days of the suspension (specified under Chapter 6 of PSSM subsection 2.3). • Suspension on full pay, the matter must be referred to the Commission as soon as practicable and wherever possible within 10 working days after the suspension (specified under chapter 6 of PSSM 2.3 b.) 	<ul style="list-style-type: none"> • Discipline report provided to the officer with seven (7) calendar days to return it to Director or Director General with their response. • Director through the Director General must submit the Employee disciplinary report within 10 days of suspension.

	<ul style="list-style-type: none"> • <i>Compliant letter from the Director General or Ministry of Climate change with evidence is send to the Public Service for its deliberation</i> 	<p>It is very important to note that suspension on full and half pay will heavily depend on the seriousness of the offense.</p>	
<p>7. Suspension without Notice (can consult SLO)</p>	<ol style="list-style-type: none"> 1. <i>Suspension letter issued to the officer signed by Director. (See Annex 6)</i> 2. <i>Before submitting the report to the Commission, it shall be provided by the Director to the officer, who shall be given seven (7) calendar days to submit a written response to the allegations made in the Director 's Report. The officer's response shall be forwarded in full to the Commission with the Director's Report and copies of the warning and/or suspension letters. (See Annex 7)</i> 3. <i>If the officer fails to make a written response within the seven calendar days</i> 4. <i>The Director through the Director-General shall refer the matter formally to the Commission in writing, providing a fully completed</i> 	<ul style="list-style-type: none"> • No officers shall be suspended unless committed a serious misconduct. • No prior written warnings or verbal counselling need be given where the officer commits a <i>serious misconduct</i> requiring immediate suspension. • If the officer has been suspended from duty for a serious discipline matter, the Commission should be informed immediately, and the matter is to be referred to it with the required documentation as soon as possible, and wherever possible within 10 days of the suspension ;(specified under Chapter 6 of PSSM subsection 2.2 & 2.3). • Depend on directors how they weigh the nature offenses in context of their department. 	<ul style="list-style-type: none"> • Discipline report provided to the officer with seven (7) calendar days to return it to Director or Director General with their response. • Director through the Director General must submit the Employee disciplinary report within 10 days of suspension.

Discipline Report (PSC FORM 6 - 1). (See Annex 7)

- 5. The Commission shall then determine whether the officer should be given a final opportunity to respond before making a decision on the alleged offence*

3. IMPORTANCE OF DOCUMENTATION

All matters involving employee discipline that could give rise to employer liability should be carefully and accurately documented. Months or even years after the incident, when memories have faded, the careful, thorough documentation of events will help refresh recollection and tell the story accurately.

Among the documentation that should be gathered and retained are:

- Initial complaints, including any complaint forms.
- Witness reports. Photos.
- Written materials relevant to the investigation, including e-mails or notes.
- Meetings with the employee at issue.
- The employee's personnel file, including any previous discipline reports or investigations, and notes relating to any verbal or written warnings.
- Discipline or termination reports Individual notes of supervisors or other management personnel involved
- The exact dates and times of events should be recorded or noted

ANNEX 1

Disciplinary offences under Section 36 (1) of the Public Service Act

36. Disciplinary matters

1). An employee commits a disciplinary offence who -

- (a) by any wilful act or omission fails to comply with the requirements of this Act or of any order hereunder or of any official instrument made under the authority of the Commission or of the director-general of the ministry in which the employee is employed;
- (b) in the course of his or her duties disobeys, disregards or makes wilful default in carrying out any lawful order or instruction given by any person having authority to give the order or instruction or by word or conduct displays insubordination;
- (c) is negligent, careless, indolent, inefficient, or incompetent in the discharge of his or her duties;
- (d) behaves in a manner calculated to cause unreasonable distress to other employees or to affect adversely the performance of their duties;
- (e) uses intoxicating liquors or drugs (including for the avoidance of doubt, kava) to excess or in such manner as to affect adversely the performance of his or her duties;
- (f) improperly uses or removes property, stores, monies, stamps, securities or negotiable instruments for the time being in his or her official custody or under his or her control, or fails to take reasonable care of any such property, stores, monies, stamps, securities or negotiable instruments;
- (g) otherwise, then in the proper discharge of his or her duties directly or indirectly discloses or for private purposes uses any information acquired by him or her either in the course of his or her duties or in his capacity as an employee;
- (h) absents himself or herself from his or her office or from the official duties during hours of duty without leave or valid excuse, or is habitually irregular in the time of his or her arrival or departure from his or her place of employment;
- (i) is guilty of any improper conduct in his or her official capacity, either inside or outside of working hours, or of any other improper conduct which is likely to affect adversely the performance of his or her duties or is likely to bring the Public Service into disrepute;
- (j) is guilty of any other offence prescribed from time to time by regulations made under this Act.

ANNEX 2

[TO BE REPRODUCED ON DEPARTMENT OR MINISTRY LETTERHEAD]

EMPLOYEE INFORMAL COUNSELING FORM

Employee Name:	Employee Title:
Supervisor or Manager Name:	Supervisor or Manager Title:
Today's Date:	[Incident Date/Performance Period]:
Incident Time (if relevant):	Incident Location (if relevant):

1. Description of the workplace performance issue or incident (add additional sheets if necessary, attach backup documentation)

2. Goals to be achieved/Change in workplace behavior required:

3. Possible consequences for failure to improve performance or correct behavior:

4. Employee statement

I acknowledge that I have read and understand the above information and consequences.

Employee Signature

Date

Supervisor or Manager Signature

Date

Copies to:
Employee
Personnel File

ANNEX 3

[TO BE REPRODUCED ON DEPARTMENT OR MINISTRY LETTERHEAD]

EMPLOYEE VERBAL WARNING FORM

Employee Name:	Employee Title:
Supervisor or Manager Name:	Supervisor or Manager Title:
Today's Date:	[Incident Date/Performance Period]:
Incident Time (if relevant):	Incident Location (if relevant):

1.. Description of the workplace Repeated performance issue or incident (add additional sheets if necessary, attach backup documentation if necessary):

2.Goals to be achieved/Change in workplace behavior required:

3. Possible consequences for failure to improve performance or correct behavior:

4. Employee statement:

I acknowledge that I have read and understand the above information and consequences.

Employee Signature

Date

Supervisor or Manager Signature

Date

Copies to:
Employee
Personnel File

ANNEX 4

[TO BE REPRODUCED ON DEPARTMENT OR MINISTRY LETTERHEAD]

[Date]

[Name]

[Address]

Dear [Name]

Notice of Allegations of disciplinary offences against you

Please be advised that it has been alleged that you committed the following disciplinary offences:

1. [nature of offence and degree of involvement with dates and places]
2. [Nature of offences and degree of involvement with dates and places]

You are required to respond to these allegations within seven (7) days from today's date. Failure to do so may result in the Director determining the matter without a response from you and you may receive a warning letter that will be place in your Personal File.

If you wish to discuss this matter, you may make an appointment to see me.

Yours faith full

[Name]

Director

ANNEX 5

[TO BE REPRODUCED ON DEPARTMENT OR MINISTRY LETTERHEAD

[Date]

[Name]
[Address]

Dear [Name]

NOTICE OF FIRST WARNING

This letter serves to formally warn you for the first time in relation to the allegation below.

1. [nature of offence and degree of involvement with dates and places]
2. [nature of offences and degree of involvement with dates and places]

The allegations were put to you by way of a letter on . You responded to them on . Upon investigation by the department and considering the response from you it is determined that the allegation/s is/were true.

Should this behaviour continue or be repeated it may lead to you being suspended from duty; having a formal disciplinary charge against you and the matter to be referred to the Public Service Commission. A copy of this "First Warning" letter and your responses will be placed in your Personal File

Yours faithfully

[Name]
Director

ANNEX 6

TO BE REPRODUCED ON DEPARTMENT OR MINISTRY LETTERHEAD]

[Date]

[Name]

[Address]

Dear [Name]

NOTICE OF SECOND WARNING

This letter serves to formally warn you for the second time in relation to the allegation below.

1. [nature of offence and degree of involvement with dates and places]
2. [nature of offences and degree of involvement with dates and places]

The allegations were put to you by way of a letter on You responded to them on Upon investigation by the department and considering the response from you it is determined that the allegation/s is/were true.

Should this behaviour continue or be repeated it may lead to you being suspended from duty; having a formal disciplinary charge against you and the matter to be referred to the Public Service Commission. A copy of this "Second Warning" letter and your responses will be placed in your Personal File.

Yours faithfully

[Name]

Director

ANNEX 7

[TO BE REPRODUCED ON DEPARTMENT OR MINISTRY LETTERHEAD]

[name]

[address]

NOTICE OF SUSPENSION

Dear [name]

This letter is to inform you that you are suspended on full pay [*immediately or from date*].

I am taking this action because it is alleged that you have committed the following disciplinary offence(s):

1. [*nature of offence and degree of involvement with dates and places*]
2. [*nature of offence and degree of involvement with dates and places*]

A full *Disciplinary Report* will be prepared on this matter and provided to you for your consideration and response shortly.

Until the above matter is resolved, you are suspended from duty and you must not enter any premises belonging to this Department except with my permission.

You are required to return all Public Service property (including any Government vehicle) in your possession to me immediately. You are also required to return all office or vehicle keys to me.

The Director-General has been informed of this action. If you wish to discuss this matter, you may make an appointment to see me.

Yours faithfully

[Name]
Director

ANNEX 8

DISCIPLINE REPORT

SECTION 1 - DETAILS OF STAFF MEMBER:

Name of staff member: _____ **Payroll No:** _____

Position Title: _____ **Post No:** _____

Ministry: _____ **Department:** _____

Mailing address of staff member: _____

Date staff member *suspended* from duty (if applicable): _____

SECTION 2 - DETAILS OF ALLEGED OFFENCE:

Alleged disciplinary offence(s): _____

(The alleged offence(s) should be an offence identified from Section 36 26 29A 29B and 46 of the Public Service Act or an identified offence listed in Appendix A of Chapter 6 of the Public Service Staff Manual).

Date(s) the alleged offence occurred: _____

Details of the alleged offence: *(In this section, please describe carefully exactly what has happened. Attach a separate report if there is insufficient space here and clearly label it ATTACHMENT A.)*

Evidence for the alleged offence:

List here, in dot point form, any evidence that you have for the alleged offence. For example, statements from witnesses; missing property found in the staff member's possession etc.

*

*

*

*

What attempts have been made to resolve the matter within the Department up to now:

Please indicate, in point form, what attempts have been made in the Department to resolve this matter. For example, number of times that the staff member was counselled by their supervisor; dates that the staff member received first and second warnings etc.

*

*

*

SECTION 3 - PROVIDING THIS DISCIPLINE REPORT TO THE STAFF MEMBER

After the above sections have been completed by the Director, this Discipline Report is to be provided to the staff member for his or her certification and response. The staff member is to be given seven (7) calendar days inclusive for this purpose. If posting form, provide additional days for mail delivery on top of the seven days the staff member has the form.

Date this Discipline Report provided to staff member: _____

Date this Discipline Report is to be returned to the Director: _____

SECTION 4 - STAFF MEMBER'S CERTIFICATION AND RESPONSE:

This section is to be filled in by the staff member and then this Discipline Report is to be returned to the Director of his or her Department within seven (7) calendar days by the staff member. Failure to return the report may constitute a new disciplinary offence.

I, _____ (name) certify by signing below that:

- I have been shown and provided with this *Discipline Report*;
- I have been provided with seven days to respond to it;
- If I choose to make a response it is noted below or attached to this form;
- I understand that if I do not provide a response to this report, it may be assumed by the Public Service Commission that I agree with the allegations made in this report; and
- I will return this *Discipline Report* to the Director seven days after receiving it.

By ticking the appropriate box, I also certify that: (Please tick only box only, *either 1, 2, or 3*)

1. I accept that the allegation(s) made against me in this report are true; **OR**

2. I partially accept that the allegations against me in this report are true
(If there is more than one allegation and you accept one or more but not all of them, please indicate which allegations you accept and which ones you reject in the space provided below); **OR**

3. I do not accept that the allegation(s) made against me in this report are true.

Details of my response:

(Please provide a written response to the allegations contained in this report. If there is insufficient space here, attach a separate report and label it ATTACHMENT B).

Name: _____ **Signature:** _____

Date this report returned to Director: _____ *(This date must be no later than seven calendar days after receiving the report. If posting it back, do so seven days after receiving it).*

SECTION 5 - DIRECTOR'S CERTIFICATION:

- I certify that to the best of my knowledge the above allegations made by me are true.
- I certify that I have provided the staff member concerned with this *Discipline Report* and provided him or her with seven (7) calendar days to return it to me with their response.

Name: _____ **Signature:** _____ **Date:** _____

SECTION 6 - DIRECTOR-GENERAL'S CERTIFICATION:

- I certify that to the best of my knowledge the above allegations made in this report are true.

- I certify that this *Discipline Report* has been provided to the staff member and that they have been provided with seven (7) calendar days to respond to it.

Name: _____ Signature: _____ Date: _____

Public Service Commission only

SECTION 7 - PUBLIC SERVICE COMMISSION CONSIDERATION:

Date *Discipline Report* received from Ministry: _____

Date *Discipline Report* considered by the Commission: _____

- | | | | |
|-------------------------------|----|---------------------------------------|--------------------------|
| Outcome of PSC consideration: | 1. | Suspension <u>removed</u> : | <input type="checkbox"/> |
| | 2. | Suspension <u>confirmed</u> : | <input type="checkbox"/> |
| | 3. | Matter dismissed | <input type="checkbox"/> |
| | 4. | Staff member dismissed | <input type="checkbox"/> |
| | 5. | Matter referred to Police | <input type="checkbox"/> |
| | 6. | Matter referred to Disciplinary Board | <input type="checkbox"/> |

Chairman of the Public Service Commission:

Name: _____

Signature: _____ **Date:** _____

Staff member and Ministry informed of PSC decision on: _____

If confirmed, matter referred to Police or Disciplinary Board on: _____