

MINISTRY OF ECONOMY
DISCIPLINARY POLICY
INTERNAL USE ONLY

1.0 INTENT

- 1.1 This policy aims to ensure that all employees are in compliance with the Civil Service Code of Conduct, achieving the highest acceptable standards of ethical, moral and professional behavior.

2.0 REFERENCE DOCUMENT

- 2.1 The Policy is issued to complement requirements under the Fijian Civil Service Discipline Guideline.

3.0 APPLICATION

- 3.1 This Policy is applicable to all employees except for the Permanent Secretary of Economy.

4.0 ABBREVIATIONS

Discipline Guideline- Fijian Civil Service Discipline Guideline
HOA – Head of Administration
HOS - Heads of Sections
MOE – Ministry of Economy
PS - Permanent Secretary for Economy

5.0 REQUIREMENTS OF THE POLICY

5.1 MOE'S RESPONSIBILITIES

- 5.1.1 MOE expects its employees to conduct themselves within the laws of Fiji, and within the policies and regulations of the MOE.
- 5.1.2 Any breach of the Civil Service Code of Conduct and/or contrary to any of the MOE's policies, shall be regarded as misconduct and may result in a disciplinary action.
- 5.1.3 When an issue is identified as misconduct, the HOS may classify the breach in the following categories:
- (i.) Minor misdemeanor;
 - (ii.) Major misdemeanor;
 - (iii.) Gross misconduct.
- 5.1.4 Any misconduct classified as major misdemeanor, or gross misconduct, the PS must be advised, and referred for action.
- 5.1.5 Any misconduct reported after 6 months from the date it is committed, will be considered invalid and will not be accepted.

5.2 MINOR MISDEMEANOR

- 5.2.1 For any issue identified as a minor misdemeanor, the HOS may institute the following:
- (i.) **Counseling:** The immediate supervisor or the HOS may counsel the employee and advise him/her of the need to cease the wrongful behavior or non-performance. The employee will also be advised on the consequences of any repeat of such unacceptable behavior or non-performance. The supervisor and the employee must both sign-off the counseling session proceeding(s). The

counseling programme shall extend to no more than four weeks. The supervisor and/or the employee may ask for a representative from the Human Resources Department to be present at the counseling session(s).

- (ii.) **Caution Letters:** If the misconduct continues after four weeks of the counseling session, the supervisor may, on the instruction from the PS, issue the employee a caution letter. A copy of the caution letter shall be sent by the issuing officer to the HR Department for records. Three caution letters may be given, each giving one week to the employee to improve his/her behavior.

5.2.2 If the misconduct continues after three written caution letters, the matter shall be referred to the PS and such case will be considered as a Major misdemeanor.

5.3 MAJOR MISDEMEANOR

5.3.1 For any issue identified as a major misdemeanor, the PS, in consultation with the respective HOS, may institute a Disciplinary action as outlined in the Discipline Guideline.

5.3.2 The employee shall be informed of the misconduct and that, an investigation will be undertaken. The employee shall also be advised of how the process will work.

5.3.3 PS shall appoint an investigation Panel in accordance with Discipline Guideline and may also set the timeframe to complete the investigation.

5.3.4 The role of the investigation panel is to:

- (i.) establish the facts of the case and collect and review all relevant evidence related to the case;
- (ii.) interview relevant people, including the employee concerned;
- (iii.) provide a report giving the details of their investigations and conclusions on whether the allegations are well founded or not;
- (iv.) make a recommendation on whether to institute disciplinary action or remove the employee.

5.3.5 Within 10 days of receipt of the report, The PS will determine whether to accept the panel's recommendations or not, in agreement with the Minister.

5.3.6 Where the PS confirms that the allegations have been proven, the employee will be given a final formal notification, that serious action is being considered, through the issue of a "show cause" notice. This notification gives the employee the opportunity to present any other information they feel relevant, in defense, before the final decision and penalty are determined.

5.3.7 After consideration of any further information by the employee in defense, the PS in agreement with the Minister, will determine the final outcome of the case.

5.3.8 The HOA shall advise the employee and the supervisor, the Permanent Secretary's decision and any further action that will be taken.

5.3.9 In circumstances where a warning is not appropriate, but where the case does not warrant removal of the employee, the Permanent Secretary shall refer the case to PSDT (Public Service Disciplinary Tribunal) for further action as outlined in the Discipline Guideline.

5.4 GROSS MISCONDUCT

5.4.1 For an issue identified as a Gross Misconduct, the PS, in consultation with the Minister, may remove the contracted employee in accordance with the terms and conditions of their contract, having complied with the principles of Natural Justice and a confirmed case to answer in accordance with Section Six (6) of the Discipline Guideline.

5.5 SUSPENDING AN EMPLOYEE

5.5.1 The PS may suspend the employee at any stage during the investigation process within the principles outlined in the Discipline Guideline.

5.6 EMPLOYEE APPEALS

5.6.1 Where an employee is unhappy with the Ministry’s process, they may follow the grievance procedures as outlined in the Ministry’s Grievance Policy.

5.6.2 If the employee is not satisfied with the Ministry’s written response, the employee may refer the grievance to the Mediation Services of the Ministry of Employment, Productivity and Industrial Relations, in the manner prescribed in ERA 2007.

6.0 EFFECTIVE DATE

6.1 This Policy will come into effect on the date of its endorsement by the PS.

7.0 REVIEW OF THE POLICY

7.1 The Policy will be reviewed after every two (2) years, or earlier if necessary



Makereta Konrote
Permanent Secretary