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GENERAL MANUAL POLICY

APPROVED BY:

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CATEGORY: Human Resources

TOPIC: Progressive Discipline

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POLICY

Progressive discipline is the method of disciplining Employees so they have an opportunity to correct their behaviour.

Prior to initiating implementation of discipline, the Team Leader/Director has a responsibility to investigate the concern with the ultimate objective of determining the truth.

There are a large number of offences to which progressive discipline can apply:

- excessive lateness
- culpable absenteeism
- insubordination/refusal to obey
- violating safety rules or engaging in unsafe work practices
- disruptive behaviour directed towards the public or staff
- negligence/carelessness
- drug/alcohol abuse

There are some offences where progressive discipline is not applicable due to the severe nature of the offences such as theft from the Association or the individuals, assault or professional misconduct. As per Article 7.11 in the Collective Agreement:

DISCHARGE GRIEVANCE

The following specified causes will be conclusively deemed to be sufficient for the discharge of any employee, and will be considered specific penalties under Section 44(9) of the Labour Relations Act but will not deprive any employee of the grievance procedure:

- making false entries and records;
- abuse of a client
- sexual harassment of a client or employee



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As well, there are non-disciplinary issues such as innocent absenteeism and incompetence.

Most discipline issues can be corrected by progressive discipline, which allows the employee a number of chances to correct his/her behaviour.

DISCIPLINE FOR HEALTH AND SAFETY VIOLATIONS

Community Living Thunder Bay will not tolerate any health and safety violations. Where discipline for health and safety infractions is required, the Association will implement the Progressive Discipline Policy and Procedure. All violations of safety rules are to be taken seriously and depending on the severity of the infraction, discipline may begin at any stage of the procedure, or stages may be repeated as appropriate.

PURPOSE

To allow employees the opportunity to correct, improve or change their conduct before serious discipline or discharge is required.

To reinforce the Association's Health and Safety policy and program and to effectively remind employees of their obligations under the Internal Responsibility System (IRS) established by the Occupational Health and Safety Act and safe work practices of Community Living Thunder Bay.

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PRIOR TO TAKING DISCIPLINARY ACTION

1. The Team Leader will recognize that the discipline should be progressive or stepped, unless it is a very serious incident, or there is already a disciplinary record on file. In that case, steps can be left out of the progressive discipline ladder.
2. If employees are angry or upset, they will be removed from the work area to give them a chance to compose themselves. If there is any concern about the safety or security of the staff, individuals, etc., the employee will be suspended pending investigation. This will normally only be done for a short period of time - long enough to investigate the incident and make a decision regarding what, if any level of discipline should be imposed.
3. The Team Leader will review the employee's record (personnel file). It is vital that all correspondence addressed to and concerning staff, be stored in the personnel file. Article (25.01) of the collective agreement imposes a time limit or sunset law on disciplinary letters:
4. *At the request of the employee, any letter of reprimand, suspension or other sanction, will be removed from the record/files of an employee two (2) years following the receipt of such a letter, suspension, or other sanction, provided that the employee's record/file have been clear of similar offences for the past two (2) years.*
5. When assessing discipline, the Team Leader must ensure that he/she is using incidents that are properly part of the employee's record.
6. Disciplinary letters will clearly tell the employee what he/she did wrong, what he/she should do in future and advise him/her of the potential consequences of future inappropriate actions.
7. The Team Leader will make a decision only on what he/she can prove. Information he/she receives "in confidence" or "off the record" can be used to justify starting an investigation, but cannot justify discipline.
8. Although the collective agreement does not stipulate that union representation is required in any meetings prior to any disciplinary action, it is a proactive measure to ensure the union is aware of the issues and the process.

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FACTORS TO CONSIDER IN DISCIPLINE/DISCHARGE

Before taking any action, which could lead to discipline/discharge, the following is a list of factors that should be taken into account:

1. The previous good record of the employee.
2. The long service of the grievor.
3. Whether the offence was an isolated incident in the employment history of the grievor.
4. Provocation.
5. Whether the offence was committed on the spur of the moment as a result of a momentary aberration, due to strong emotional impulses or whether the offence was premeditated.
6. Whether the penalty imposed has created a special economic hardship for the grievor in light of his/her particular circumstances.
7. Evidence that the Association rules of conduct have not been uniformly enforced (i.e. not identical, but uniform for the same type of situation).
8. Circumstances negating intent (i.e. likelihood that the Grievor misunderstood the nature or intent of an order given him/her, and as a result, disobeyed it).
9. The seriousness of the offence in terms of the Association's policy and obligations.
10. Any other circumstances which the Association should take into consideration, (i.e. failure to apologize, lack of candour, failure of the Association to listen to the grievor's explanation).

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PROCEDURE

STEPS

The progressive discipline procedure involves the following steps:

- | | |
|---------|--------------------------------------|
| Step 1: | A verbal warning(s) |
| Step 2: | A written warning or reprimand |
| Step 3: | A short suspension (1, 2, or 3 days) |
| Step 4: | A short suspension (3 to 5 days) |
| Step 5: | A long suspension (5 to 10 days) |
| Step 6: | Discharge |

DETERMINANTS OF LENGTH OF STEPS

These steps might be shortened or lengthened, depending on a number of factors such as:

- the seriousness of the offence (in terms of the Association's policy and obligations)
- the frequency of the offence
- the employee's work record
- the penalty imposed by other Team Leaders/Supervisors for a similar offence

THE INVESTIGATION PROCEDURE

It is crucial that the investigation take place immediately. Depending upon the circumstances, the Team Leader with a non-union representative will interview the witnesses immediately. Also depending upon the circumstances, the Team Leader along with a non-union representative will also view the location in which the incident took place immediately. With union representation, the Team Leader and a non-union representative will interview the employee to obtain the employee's version of events.

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DOCUMENTATION

IT IS VITAL THAT THE TEAM LEADER/DIRECTOR MEET WITH AND DOCUMENT HIS/HER CONCERNS WITH THE EMPLOYEE IN A LETTER ADDRESSED TO THE EMPLOYEE AS SOON AS POSSIBLE.

This letter should be sent after the incident has been investigated and discussed with the employee. The disciplinary meeting and letter should indicate:

- What the employee did wrong;
- What the employee should have done;
- What will happen if the employee does not behave correctly in the future.

As per Article 7.12 of the Collective Agreement, disciplinary letters must be copied to the Union:

WRITTEN REPRIMAND

Whenever the Employer delivers a written reprimand to an employee, the Employer shall send a copy of the written reprimand to the Union Steward within five (5) work days.

Employees deserve (and the Union demands) that employees know what they did wrong, what's expected of them, and the consequences of their actions.

RECORD OF PROGRESSIVE DISCIPLINE FORM

Once discipline has been served, the Team Leader/Director will document the method of discipline delivered and the infraction on the Record of Progressive Discipline form (see attached). The form is then forwarded to Human Resources and placed in the employee's personnel file.

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RECORD OF PROGRESSIVE DISCIPLINE

Employee Name: _____

Team Leader: _____

DATE	METHOD*	LENGTH (if applicable)	ISSUE
<i>i.e. January 22/01</i>	<i>Verbal warning</i>		<i>Medication error – meds given but not documented</i>
<i>i.e. April 6/02</i>	<i>Written reprimand</i>	<i>Short suspension - 3 days</i>	<i>HeLS infraction – not wearing personal protective equipment</i>

*method – verbal, written, short suspension, long suspension, demotion, dismissal

FORWARD TO HUMAN RESOURCES – TO BE PLACED IN EMPLOYEE'S PERSONNEL FILE.