

COMMUNITY LIVING DURHAM NORTH

PROGRESSIVE DISCIPLINE

Policy No: C-20 (Human Resources)

Effective Date: January 26, 2009

Last Revision:

Last Review:

Rationale:

Disciplinary action must sometimes be taken to safeguard the interests of the people we support and of the Association itself. It is a necessary aspect of the management of performance, attendance and conduct. Progressive discipline seeks to ensure that discipline is constructive and remedial, where appropriate.

Policy Statement:

When an employee contravenes the policies and procedures of the Association or displays unsatisfactory work performance and/or conduct, that employee will be subject to progressive discipline up to and including termination.

Whenever possible, disciplinary measures will be taken in progressive steps so as to ensure that employees are properly informed and have every opportunity to improve their conduct or work performance. That said, the appropriate initial response to certain kinds of egregious behaviour – abuse, for example - is termination, and not a warning or a written reprimand.

Approved by: Jamie Ross

Date: January 26, 2009

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Policy No: C-20-1

**Administration of the Discipline System**

Effective Date: January 26, 2009

Last Revision:

Last Review:

- Management staff are responsible for the design and administration of the disciplinary system.
- Managers must be aware of the distinction between acute and chronic offences. Acute offences are immediately identifiable and call for immediate action. Examples are abuse, neglect, theft and fraud. Depending on the seriousness of the acute offence, disciplinary steps may be skipped. The appropriate response might also be immediate termination. Chronic offences involve a continuing pattern of less serious infractions like absenteeism or sub-standard work performance. These offences are more appropriately handled by working through the full scale of progressive discipline.
- All disciplinary action must be recorded and appropriately filed, either in the personnel file (for actual discipline) or in the Manager's own notes (for pre-disciplinary counselling). Note that chronic offences do not actually exist, as offences, unless they are identified and addressed at every step along the disciplinary continuum.
- When an issue or concern first emerges, the Manager will:
  - immediately gather all pertinent facts and verify their accuracy, where possible;
  - consult with any third party that might be involved;
  - review the appropriate provisions of the agency policy manual and/or applicable collective agreement;
  - fully document the available evidence;
  - consult with Director and HR department, where appropriate, concerning the action that should be taken.
- Disciplinary action should be prompt. In cases of serious misbehaviour, it may be necessary to suspend the person immediately while investigation or preparation is taking place.
- Disciplinary measures at every step will be taken in a manner that is respectful of the employee, and every effort will be made to indicate that it is the employee's behaviour that is in question, and not his inherent worth.

Policy No: C-20-2

Effective Date: January 26, 2009

**The Steps in the Progressive Discipline System** Last Revision:

Last Review:

- Step 1: Counsel, train and assist the employee to achieve performance standards, conform to conduct rules, and meet attendance expectations.
- Step 2: Subsequently, when there is evidence that the employee is not meeting standards or expectations, the Manager will conduct a **non-disciplinary counselling session**. This is a discussion wherein the Manager reviews expectations and presents the employee with the evidence suggesting that expectations are not being met. The Manager should request an explanation and investigate any information that does come forward as explanatory. This meeting, the evidence that led to it, and any explanations offered, should be fully and accurately documented in the Manager's supervisory notes. This is necessary in order to prove that the conversation occurred. However, because the counselling discussion precedes actual discipline, it is not documented in the Personnel file. For the same reason, it is typically a one to one discussion that can take place in a private but informal setting. Bargaining unit employees are not entitled to union representation at this stage. The right to representation applies only in a disciplinary context; therefore, should the employee insist upon representation, this step is skipped and the manager will proceed to Step 3.
- Step 3: The first step in actual discipline is the **Verbal Warning**. However, because everything related to discipline must be documented and placed in the Personnel file, "verbal warning" is something of a misnomer; "First Written Warning" would probably be more accurate. This is a formal meeting that will include at least one management representative over and above the manager that is immediately involved. Unionized employees have a right to representation, but this right cannot be allowed to delay discipline beyond the brief period that is specified in the collective agreement. The presenting issue is discussed at this meeting, and the employee is officially warned of the possible consequences of further unsatisfactory behaviour. The details of the discussion will be documented on an *Employee Improvement Plan* form and placed in the employee's personnel file.
- Step 4: This is the **Written Warning** which is either the next step in the full sequence of disciplinary action, or the step which Management deems to be an appropriate beginning, given the seriousness of the issue. Again, the meeting is formal. Management will be represented by at least two staff, and the unionized employee will have the right to representation. He or she is officially warned of the possible consequences of further unsatisfactory behaviour. The details of the discussion are documented on the *Employee Improvement Plan* form and placed in the employee's personnel file.

- Step 5: Suspension without pay is a serious disciplinary response to behaviour that is very serious, or to a behaviour that is persistent, notwithstanding previous counselling, and verbal and/or written warning(s). The length of the suspension depends on the seriousness of the issue but is typically for between one and five days. Also, suspensions can themselves be imposed in progressive fashion; i.e. a three-day suspension following upon a one day suspension. Suspensions are imposed in formal meetings that are fully documented as in Steps 3 and 4. Note that the disciplinary suspension is unrelated to a suspension with pay. The latter typically occurs when serious allegations have been made, but have not yet been investigated. In this case, the alleged perpetrator may be completely blameless, and yet suspension is necessary in order to ensure the safety or well-being of all parties.
- Step 6: Termination, for cause, is the final step in the disciplinary sequence and is resorted to when it is impossible or undesirable to retain an offending employee. Termination must involve a Director and preferably the Executive Director is consulted. However, a manager who observes abuse, or another instance of serious misconduct, has the authority to direct an employee to leave the work site and to suspend him until further notice. The employee is terminated in a formal meeting that is fully documented. This disciplinary termination should not be confused with the termination, of a non-unionized employee, without cause. In this latter case, the terms of the discharge must comply with the Ontario *Employment Standards Act*.

Approved by: Glenn Taylor  
CEO

Date: January 26, 2009