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Team Lead: VP Human Resources	Program Area: Human Resources
Approved by: VP Human Resources	Policy Section: Labour Relations
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Review Date:	
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**POLICY SUBJECT:**

Discipline and Notice of Discharge

**PURPOSE:**

To ensure that discipline is used in a consistent fashion as a remedial tool to assist employees in the improvement of their work performance. Discipline is a managerial action designed to correct or deter unacceptable conduct in the workplace. The intent is that it be used as a tool to change behavior. This policy recognizes that guidance to non union and excluded staff is different than for unionized staff. It is expected that unionized employees defer to the collective agreement and work with Labour Relations and the Unions for support

**BOARD POLICY REFERENCE:**

Executive Limitations (EL-3) - Treatment of Staff

**POLICY:**

1. The administration of discipline shall be conducted fairly and consistently and in a progressive fashion.
2. Progressive notice is comprised of the following steps for non union & excluded staff which are to be followed in sequential fashion unless the nature of the offense justifies a different level:
  - Step #1: Verbal Warning & coaching. Written notice of next step discipline.
  - Step #2: Written Warning & training. Letter of discipline and notice of possible termination.
  - Step #3: Final warning with notice of termination if conduct continues.
  - Step #4: Discharge/ Termination.

Progressive discipline for unionized staff is based on acceptable labour law standards which are routinely outlined as follows:

- o Non disciplinary verbal discussion
- o Non disciplinary letter of direction
- o Disciplinary – letter of discipline
- o Disciplinary – short suspension
- o Disciplinary – long suspension
- o Termination of employment

Alternative forms of action and/or discipline may be appropriate depending on the facts of the situation. Examples include counseling, demotions, reduction in EFT, transfers, last chance agreement, etc.

3. Managers/supervisors shall initiate disciplinary action when an employee:
    - o Violates workplace policies, procedures or rules;
    - o Violates a provision of an applicable collective agreement;
    - o Violates safety standards/procedures;
    - o Violates an inherent expectation of employment (e.g. commits theft, assault);
    - o Acts in an insubordinate, inappropriate or unacceptable manner as determined by the Employer; or,
    - o Does not meet established performance standards and employee coaching/counseling has not been effective.
  4. When issues arise that warrant potential discipline, the manager/supervisor will undertake a thorough review/investigation.
  5. Human Resources is to be consulted as part of the review/investigation to ensure that any action taken is commensurate with the facts of the situation, considers the employee's work history and, is consistent with the employer's practice.
  6. Whenever the decision is made to impose discipline, a meeting will be held with the employee to discuss the nature of the offense, discipline imposed, correction expected, and consequences of non-compliance. Non-unionized staff may be provided the opportunity to have an individual available for support however, if this supportive employee attends this person shall not participate in the meeting. Employer representatives at disciplinary meetings will be as follows:
    - Step 1 – Supervisor
    - Step 2 – Manager
    - Step 3 – Manager/ Director and Human Resources (at their discretion)
    - Step 4 – Executive Director/ VP and Human Resources (as directed)
- If the employee is unionized, he/she shall be advised of their rights and given the opportunity to have a union representative present at the meeting.
7. In all cases where discipline is imposed, the employee shall be advised, in writing, of the nature of the offense discipline and/or the action taken, correction expected, any applicable supports (such as required training and/or resources), and the consequences of noncompliance. If the employee is unionized the Union Representative shall be copied on the letter as outlined by the collective agreement.
  8. All written documentation pertaining to employee discipline that is shared with the employee shall be forwarded to the employee's personnel file. Investigation notes do not form part of the employee's file and are to be kept separately.
  9. Where discharge is contemplated, the appropriate senior leader will be consulted in addition to Vice President Human Resources. The manager must inform the senior leader or designate of the recommendation and send all supporting documentation to substantiate the request. The manager must gain approval from the appropriate senior leader and/or Vice President HR before termination occurs.

**SUPPORTING DOCUMENTS:**

Documents to support the implementation of this policy will be established.

**REFERENCES:**

Collective Agreements & specifically:

MNU Collective Agreement: Article 29 – Discipline, Demotion and Access to Personnel File

MAHCP Collective Agreement: Article 27 – Discipline and Discharge

MGEU Technical/Professional/Paramedical Collective Agreement: Article 25 – Discipline and Discharge

MGEU Community Support Collective Agreement: Article A9 – Disciplinary Action

CUPE Collective Agreement: Article 26 – Discipline and Access to Personnel Files

MGEU Health Care Support Services Collective Agreement: Article 31 – Discharge, Suspension, Discipline and Access to Personnel Files

Employment Standards Code

WRHA Discipline & Discharge Policy

(Former) South Eastman Health - Disciplinary Action Policy

(Former) Central Regional Health Authority - Discipline Policy