



Progressive Discipline

What is Progressive Discipline?

Progressive discipline is an established system where the severity of the consequences increases with each infraction of workplace rules, policies, procedures, or standards.

It should be applied in response to all forms of employee misconduct, including:

1. Misconduct – employee breaks organizational rules, policies, or procedures
2. Incompetence – employee demonstrates a lack of skills and/or abilities to perform their assigned duties
3. Negligence – employee has the required skills but ignores some of the employee's duties or is careless in performing the employee's duties

Steps in the progression can be repeated or skipped depending on the nature and severity of the infraction.

What Is The Purpose of Progressive Discipline?

- Where misconduct is relatively minor and does not warrant immediate dismissal, the employee should be subject to a system of progressive, corrective discipline;
- To enforce rules in the workplace;
- To put a stop to unacceptable behaviour or performance deficiencies;
- To retain an employee as a respected and productive member of your team, which in turn, may save time and money;
- To have a clearly understood process that the employees and management are fully aware of with respect to behavioural and/or performance deficiencies; and
- To deal with matters of employment fairly and in good faith.

The Steps of Progressive Discipline

(Counseling)

- i. Notifying an employee of a performance deficiency or form of misconduct but not characterizing it as "discipline"
- ii. As such, this is not part of the progressive discipline track, but is an important component of good leadership
 - a. Important to have clear expectations, and clearly communicate those expectations
 - b. Can be relied on to refute any subsequent claims by the employee that he/she did not know about the performance/behavioural expectations
 - c. Even though counseling is not formal written discipline, it should be documented

- d. Can be as many counseling sessions as necessary in any given circumstance; use good judgment
1. Verbal Warning
 - a. Problem should be identified and discussed with the employee in a confidential and respectful manner
 - b. Seek input from the employee about the cause of the problem
 - c. Identify solutions
 - d. Agree upon measurable goals with the employee
 - e. Follow up should be provided
 - f. Employee should be made aware of his/her progress against agreed upon goals
 - g. Specify that the correspondence/communication is “discipline”
 - h. Always seek input from Human Resources
 2. Written Warning
 - a. The problem should be clearly documented
 - b. Plain and easily understood language should be used, especially where English is not a first language
 - c. Steps to correct the problem must be clearly identified
 - d. Using the 'SMART' method is preferred:
 - i. S – Specific
 - ii. M – Measurable
 - iii. A – Actionable
 - iv. R – Reasonable
 - v. T - Timely
 - e. A meeting should be held with the employee to discuss the steps necessary to correct the identified problem
 3. Written Warning with Suspension
 - a. A letter should be prepared describing the conditions of the suspension and it should also re-state the contents of the written warning letter
 - b. Always refer to the prior incidents where possible
 - c. The letter should indicate that further action may be taken if the behaviour persists, including further suspension and/or termination of employment typically for cause
 4. Termination
 - a. With Cause – No Notice Required
 - i. Theft/Dishonesty
 - ii. Conflicts of Interest
 - iii. Harassment
 - iv. Poor Performance – Progressive Discipline
 - v. Willful Misconduct (Ontario only)
 - b. Without Cause – Notice Required
 - i. Not a suitable person
 - ii. Poor performance often even with progressive discipline on file

General Guidelines

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- Ensure that employees are aware of workplace policies and procedures (the Employee Handbook)
- Give employees notice that there is in fact a behaviour/performance issue and ensure that your employees clearly understand your expectations of them
- Provide the employee an opportunity to improve his/her behaviour
- Include a method of measurement to ensure all employees know exactly what is expected of them
- Agree on a time frame for achievement of expectations – include a date for a follow-up discussion
- Ensure the employee is aware of the consequences should the prescribed changes not be achieved
- Document each step of the way

Other Factors to Consider

- Was the infraction an isolated incident, or is it a pattern of behaviour?
- Is the employee a long-term employee?
- Was the conduct intentional?
- What is the work history of the employee?
- Are there any extenuating medical or personal issues?

Key Points to Remember

- Act early before poor work becomes a habit or a crisis unfolds
- Be fair
 - A system that is perceived as fair is more likely to receive employee support and understanding
 - A fair policy means that discipline must be applied consistently to all employees in an unbiased way – all employees are treated fairly, respectfully, and equally
 - Fair discipline is easier to defend and justify to employees and in potential legal situations should the need arise
 - A fairly administered discipline system can improve the efficiency of your team by saving you time and money
 - Union avoidance
- Clarify job expectations/standards with employees
- Provide clear direction regarding expectations
- Solve the problem before the problem gets to the dismissal stage by applying the progressive discipline process