

POLICY



PROGRESSIVE DISCIPLINE POLICY

Category: Human Resources
Approval: PVP (formerly PEG)
Responsibility: Associate Vice President, Human Resources
Date: April 9, 2008¹

Definitions:

Major Infraction: action or inaction on the part of the employee such that the employment relationship itself is repudiated or irrevocably damaged.

Non-Culpable Circumstances: a situation where an employee is unable to fulfill the requirements of the employment relationship because of circumstances over which he/she has no control.

Unsatisfactory Performance: an inability to fulfill the expectations of the position held as a result of a) an unwillingness to do so, or b) non-culpable performance circumstance like not possessing the necessary skills to meet the requirements of the position.

Infraction: may either be action or inaction on the part of the employee which is a form of misconduct (but not gross misconduct/a major infraction), or be the failure to satisfy job performance requirements, where reasonable remedial efforts may return the employee to satisfactory levels of performance.

Progressive Discipline: a process intended to raise the employee's awareness of the problem and the need to change based on an escalation of the consequences for failure to comply.

Suspension: a disciplinary action taking the form of an imposed absence from work, normally without pay.

Demotion: a transfer to a position in a lower salary grade because the employee does not meet the established job objectives.

Termination: an involuntary ending of employment which may be imposed for:

- major infraction or gross misconduct,
- multiple infractions,
- unsatisfactory performance (culpable and non-culpable),
- other non-culpable circumstance.

Trial period: a formal period of evaluation where specific objectives will be established.

¹ Reformatted into policy template by Department of Human Resources 2014-15.

Purpose/Reason for Policy:

The purpose of this policy is to state Trent University's position on administering equitable, consistent and progressive discipline for unsatisfactory performance and misconduct in the workplace. Trent University's own best interest lies in ensuring fair treatment of all employees and in making certain that disciplinary actions are prompt, consistent and impartial. The major purpose of any disciplinary action is to correct the problem, prevent recurrence, and prepare the employee for satisfactory service in the future. Should this purpose not be achieved and a further infraction occurs, the subsequent sanction imposed is generally more severe, hence the term "progressive discipline".

Scope of this Policy:

This policy applies to all non-academic unionized and exempt, regular or recurring employees employed at Trent.

Policy Statement:

The University has a responsibility to inform staff of unsatisfactory performance in a timely and open manner and also where appropriate to provide employees an opportunity to correct unsatisfactory performance.

Progressive discipline is a coaching process and should involve some or all of the following procedure depending upon the severity of the problem and the length of service and work record of the employee. The application of progressive discipline is flexible. An employee may be initiated into the progressive disciplinary process at any point, depending on the seriousness of the problem encountered.

Termination as a result of a major Infraction may not have been preceded by previous actions.

A problem involving the failure to satisfy job performance requirements, for culpable or non-culpable circumstances, must include at least one formal trial period prior to any decision to demote or terminate.

Responsibilities:

All forms of formal discipline should be reviewed with Human Resources. Departments are responsible for establishing standards of performance and expectations during trial periods in consultation with the Associate Vice-President of Human Resources or designate. Demotion or termination must have the approval of the appropriate Vice-President. For those individuals whose appointments are approved by the President, demotion or termination must also be approved by the President.

Whenever prior consultation is not practical because of reasons perceived to be of such an urgent or serious nature, the employee must be placed on suspension pending investigation, with pay, until the case can be discussed with Human Resources.

If a Manager suspects, or is told, that an employee's work performance is affected by personal problems such as relationship problems, addiction or substance abuse, or elder or childcare pressures, etc., the Manager needs to use this opportunity to remind the employee of the services available to him/her, under the EAP. The Manager should provide the contact information and make a notation of the referral in his/her records and of the discussion with the employee and the

date of these discussions.

The above guidelines will not affect the great majority of employees. They are designed to ensure that those few employees who disregard the rules guiding all employees will be dealt with in a prompt, consistent and impartial manner.

Contact Officer	<i>Assoc. VP Human resources</i>
Date for Next Review	<i>July 1, 2019</i>
Related Policies, Procedures and Guidelines	<i>Appendices B and C attached</i>
Policies Superseded by This Policy	

PROCEDURE



PROGRESSIVE DISCIPLINE

Contact Officer

PROCEDURE	Purpose	In support of the Progressive Discipline Policy								
	Procedure	<p>All incidents of misconduct and unsatisfactory performance should be brought to the employee's attention at the earliest possible opportunity.</p> <p>Terminations or demotions related to unsatisfactory performance will occur only after the employee has received a final written warning or has been placed on a formal trial period where it is clearly specified that failure to meet the specified objectives will result in termination.</p> <p>Where the deficiencies in the work performance of an employee may lead to disciplinary action, the Employer will notify the employee in writing. The written notice, a copy of which will be placed in the employee's personnel file, will include the particulars of the work performance deficiencies and the steps required to correct such deficiencies. Any written reply from the employee will be placed in the employee's personnel file.</p> <p>The length of a formal trial period will reflect the seriousness of the performance failure or misconduct, and should be developed in consultation with Human Resources.</p>								
		<p>STEPS OF THE PROGRESSIVE DISCIPLINE PROCESS:</p> <p>With respect to most disciplinary problems, these steps will normally be followed:</p> <table style="margin-left: auto; margin-right: auto;"> <tr> <td style="padding-right: 20px;">1st Offence</td> <td>Verbal warning/counselling;</td> </tr> <tr> <td>2nd Related Offence</td> <td>Written warning;</td> </tr> <tr> <td>3rd Related Offence</td> <td>Suspension with or without pay;</td> </tr> <tr> <td>4th Related Offence</td> <td>Termination of employment.</td> </tr> </table> <p>Disciplinary action may call for any these responses depending on the severity of the problem and the number of occurrences. There will be circumstances when one or more of the steps will be bypassed or certain steps may be repeated.</p> <p>Trent University recognizes that there are certain types of employee misconduct that are serious enough to justify either a suspension or, in extreme situations, termination of employment, without going through the usual progressive disciplinary steps.</p> <p>By using progressive discipline, most employee discipline problems can</p>	1st Offence	Verbal warning/counselling;	2nd Related Offence	Written warning;	3rd Related Offence	Suspension with or without pay;	4th Related Offence	Termination of employment.
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4th Related Offence	Termination of employment.									

	<p>be corrected at an early stage, benefiting both the employee and the University.</p>
	<p>INFRACTIONS WHICH ATTRACT DISCIPLINE:</p> <p>Discipline issues can be divided into three categories: (A) Infractions and (B) Major Infractions (C) Poor Work Performance. The following list of offences is not exhaustive and discipline may nonetheless be imposed for infractions not listed.</p> <p>INFRACTIONS include, but are not limited to:</p> <ul style="list-style-type: none"> I. Lateness and abuse of breaks II. Unprofessional or inappropriate conduct III. Culpable absenteeism IV. Poor work performance and/or work quality issues <p>For these infractions the following progressive steps of discipline will generally be imposed:</p> <p><i>Step 1</i> Verbal Counselling <i>Step 2</i> Written Warning <i>Step 3</i> One Day Suspension <i>Step 4</i> Three Days Suspension <i>Step 5</i> One Week Suspension <i>Step 6</i> Termination of Employment</p> <p>The above disciplinary response scale is a guideline only; actual disciplinary action will be dependent on the specific circumstances related to the offence, the employee record, and other relevant considerations. Supervisors may impose a trial period instead of a suspension depending on the circumstances.</p>
	<p>MAJOR INFRACTIONS include, but are not limited to:</p> <ul style="list-style-type: none"> I. Absence without approved leave, II. Assault, III. Negligence, IV. Unauthorized possession or use of University property V. Possession of dangerous or unauthorized materials in the workplace, such as firearms or explosives; VI. The use, possession, distribution or sale of drugs or alcohol during work time or at any time on University premises and/or being in a condition unfit for work; VII. Physical fighting, horseplay, or using obscene, abusive, intimidating or threatening language or gestures; VIII. Intentional damage to University or another's property; IX. Sexual harassment or intentional discrimination; X. Intentional sleeping on the job; XI. Falsification of records; XII. Off-duty misconduct which renders the employee unable to properly discharge his/her employment obligations or causes employees to refuse or be reluctant to work with that person or inhibits the University's ability to efficiently manage and direct work (e.g., exhibited violent and aggressive behaviour including assault, may support the

		<p>disciplining of an employee if it may be reasonably be concluded that his/her continuing presence would endanger the safety of other employees, etc.); and XIII. Insubordination.</p>
		<p>POOR WORK PERFORMANCE:</p> <p>The following actions will normally be taken in dealing with a work performance and/or work quality issue.</p> <ol style="list-style-type: none"> a. The supervisor and the employee will review the job description to ensure complete understanding of the requirements. b. The areas of deficiency will be clearly communicated and the expected standard of performance, along with measurement criteria, fully explained. c. The employee will be officially notified that the expected standards are to be accomplished by the deadline date. <p>If, by the deadline date, there have been no significant improvements in the work performance, an assessment should be made as to whether the performance issue is a result of culpable or non-culpable circumstances.</p> <p>If the reasons are primarily culpable in nature:</p> <ol style="list-style-type: none"> i) A reasonable trial period should be established. If significant deficiencies remain at the conclusion of this trial period; ii) A final written warning, suspension, and trial period should be established. If significant deficiencies remain at the conclusion of this trial period; iii) Termination. <p>If the reasons are primarily non-culpable in nature:</p> <ol style="list-style-type: none"> i) Any reasonable concerns that the employee has regarding training or additional support should be addressed; ii) A reasonable trial period should be established. If significant deficiencies remain at the conclusion of this trial period; iii) Termination or placement in a position within the employee's capability.
		<p>UNION REPRESENTATION AND DOCUMENTATION</p> <p>An employee represented by a trade union is entitled to have a Union steward in attendance for any disciplinary meeting. Copies of disciplinary action are to be provided to an employee and his/her representative, as well as Human Resources. The length of time that a disciplinary action will remain on an employee's record is provided in the table below for administrative ease.</p>

Disciplinary Action	Union Representative in Attendance	Record to Employee	Length of Time on Employee's Record	DHR Involvement
Verbal Counselling	Not required. However, if requested by an employee or if the Manager is concerned about an employee's behaviour during the interview or his/her ability to fully understand the interview and the potential consequences, a Union steward should be invited to attend.	Yes	24 months	No
Written Warning	Yes	Yes	24 months	Optional
Suspension (with or without pay)	Yes	Yes	24 Months	Yes
Termination	Yes	Yes	Not Applicable	Yes

NOTICE AND TERMINATION POLICY/PROCEDURE

Continuing Employees

In the case of termination for a major infraction or for non-culpable circumstances the employee will be advised of the reasons for the termination and will be given an opportunity to respond prior to any decision being reached by the University. Such termination should be discussed with and have the approval of the appropriate Vice-President.

- I. Employees terminated for a major infraction shall not be entitled to termination notice nor are they eligible for severance pay.
- II. Employees terminated for unsatisfactory performance will receive notice or pay in lieu of notice, in accordance with the Employment Standards Act.

Temporary Employees

- I. Temporary employees who are involved in any form of misconduct will be terminated without notice.
- II. The employment of contract or temporary/casual employees can be terminated at any time on the giving of one (1) week's notice or pay in lieu of notice if the employee has been employed continuously for more than three (3) and less than twelve (12) months; or two (2) weeks' notice or pay in lieu if employed continuously for more than twelve (12) months.

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Date Approved	<i>April 9, 2008</i>
Approval Authority	<i>PEG</i>
Date of Commencement	<i>April, 2008</i>
Amendment Dates	<i>No amendments</i>
Date for Next Review	<i>July 1, 2019</i>
Related Policies, Procedures and Guidelines	<i>Name and link to related policies, procedures and guidelines</i>

GUIDELINE TEMPLATE



NAME OF GUIDELINE

Contact Officer

Assoc. VP, Human Resources

Purpose

The purpose is to administer equitable, consistent and progressive discipline for unsatisfactory performance and misconduct in the workplace. The goal is to ensure fair treatment of all employees by making certain that disciplinary actions are prompt, consistent and impartial. The major purpose of any disciplinary action is to correct the problem, prevent recurrence, and prepare the employee for satisfactory service in the future. Should this purpose not be achieved and a further infraction occurs, the subsequent sanction imposed is generally more severe, hence the term "progressive discipline".

Guideline

Discipline issues can be divided into three categories: (A) **Infractions** and (B) **Major Infractions** (C) **Poor Work Performance**. The following list of offences is not exhaustive and discipline may nonetheless be imposed for infractions not listed.

INFRACTIONS include, but are not limited to:

- I. Lateness and abuse of breaks
- II. Unprofessional or inappropriate conduct
- III. Culpable absenteeism
- IV. Poor work performance and/or work quality issues

For these infractions the following progressive steps of discipline will generally be imposed:

- Step 1* Verbal Counselling
- Step 2* Written Warning
- Step 3* One Day Suspension
- Step 4* Three Days Suspension
- Step 5* One Week Suspension
- Step 6* Termination of Employment

The above disciplinary response scale is a guideline only; actual disciplinary action will be dependent on the specific circumstances related to the offence, the employee record, and other relevant considerations. Supervisors may impose a trial period instead of a suspension depending on the circumstances.

Related Policies / Procedures

Name and link to related policies, procedures and guidelines.

Links

Links to relevant documentation, forms, explanatory notes.

Date Approved	<i>April 9, 2008</i>
Approval Authority	<i>PEG</i>