# Corrective Action/Discipline Policy

Credit: This specific policy comes from the ‘Operational Health and Safety Manual’ provided in full in the XXX section by the Ha-ma-yas Stewardship Society.

## **Purpose**

\_\_\_\_\_\_\_\_\_\_\_\_\_ wishes to provide a fair and consistent approach to dealing with employees whose conduct, behaviour and/or performance falls below acceptable standards or regulatory requirements. This policy is designed to correct behaviours, conduct and performance.

## **Policy**

Employee whose conduct, behaviour and/or performance falls below acceptable standards or regulatory requirements will be subject to corrective actions laid out in this policy.

## **Scope**

All employees including supervisors are subject to the corrective action policy.

## **Procedures**

### General

Each employee is expected to conduct themselves in a manner which conforms to generally accepted standards of workplace behaviour and conduct. These standards can be summarized as follows:

* Employees will observe all laws, rules and regulations of Canada, British Columbia and the First Nation.
* Employees will be honest and truthful at all times in dealing with the First Nation and fellow employees.
* Employees will, at all times, respect the personal and property rights of their fellow employees and the First Nation.
* Employees are expected to meet and maintain all First Nation performance and conduct standards.

When a violation of an established standard occurs, each case will be investigated thoroughly and corrective action will be administered on the merits of each case.

Generally, if corrective action is warranted a progressive system will be applied, with the expectation that the employees’ performance, behaviour or conduct will change to acceptable standards in the early stages of corrective action.

However, should there be a serious infraction; the First Nation retains the right to bypass or escalate the corrective action steps and apply an appropriate corrective action, up to and including termination. As the approach to dealing with progressive and non-progressive will be different, each will be described separately in this policy.

**In some situations the supervisor may be unclear on an appropriate course of action. In those situations the supervisor should take a consultative approach and seek input from his Manager and/or Chief and Council.**

If the matter is of a nature requiring that the employee be removed from the job, the supervisor should do so and have the employee wait in his/her office or other suitable location. If the supervisor is unable to deal with the employee due to other commitments or the supervisor has to arrange relief, the employee should be told what the issue is and then placed away from the job site until he/she can be removed from the job.

## **Corrective Action**

In corrective action the objective is to reverse a non-conformance issue before it becomes a serious matter. This is accomplished through a series of levels of corrective action, with the severity of corrective action escalating should the non-conformance persist. The following describes the levels in the progressive discipline.

### *Level 1 - Verbal Warning*

This level will provide an opportunity for the supervisor and the employee to address incorrect behaviour, conduct or performance of standards at an early stage. Specific actions needed to correct the problem and a time frame within which to accomplish them, will be defined.

While this early intervention is considered a verbal warning the supervisor should complete a corrective action report with a copy will also be placed on the employees personnel file as well as maintain their own record of when the discussion took place and any points of significance.

### Level 2 - Documented Warning

Should there be a subsequent violation, this level will once again provide an opportunity for the supervisor and the employee to address the problem. Specific actions needed to correct the problem and a time frame within which to accomplish, they will once again be reviewed. At Level 2 the supervisor will document the discussion, providing the employee and the Manager with a copy. A copy will also be placed on the employees personnel file.

### *Level 3 - Letter of Reprimand*

Should there be a subsequent violation, or if the incident warrants, it will be necessary to issue a letter of reprimand.

At this level the Manager or designate will be present at the meeting with the supervisor. If desired the Manager may seek input from the Chief and Council. Specific actions needed to correct the problem(s) and a time frame within which to accomplish them, will be defined as well as consequences for failed compliance will be discussed and documented in a letter to the employee with copies to the supervisor and the employees file.

### Level 4 - Suspension

In cases of serious infractions or when an employee has committed a series of infractions and been previously corrective action, a suspension will be issued.

The length of the suspension will depend upon the seriousness of the infraction. The suspension will normally range in duration from 1 day to 2 weeks. In exceptional circumstances a longer suspension may be issued in consultation with a HR Advisor. Note that if previous corrective action was in the form of a suspension, a subsequent suspension must be of greater duration.

At this step the Manager or designate will be present at the meeting with the supervisor. Prior to holding the meeting the Manager and Supervisor should consult with Chief and Council to ensure that appropriate corrective action is given. At the meeting the employee will be advised as to the reasons for the suspension and the duration of the suspension. Corrective action suspensions will be without pay.

The suspension will be accompanied by a letter to the employee outlining the circumstances leading up to the suspension, the dates of the suspension, specific actions needed to correct the problem(s) and a time frame within which to accomplish them will be defined, as well as consequences for failed compliance. If appropriate the letter may refer the employee to EFAP services with relevant contact information. The letter to the employee will be copied to the Chief and Council, the supervisor and the employees file.

Following the suspension and prior to returning to work the employee will meet with the Manager and Supervisor at which time it will be explained to the employee expectations for continued employment with the First Nation.

### *Level 5 - Discharge*

This action will be taken if all previous attempts to help an employee conform to acceptable standards fail or if the infraction is of such a magnitude that discharge is the required response.

The employee will be removed from the workplace in a manner which is respectful of the employee but ensures security of other employees as well as equipment and processes.

If necessary, the employee may be suspended indefinitely pending an investigation to determine the appropriate level of corrective action.

The employee will be advised of termination of employment in a meeting with the Supervisor, Manager and Committee representative or Union Local representative. The information will be documented in a letter which will be copied to the Union Local. The termination date will be immediate.

## **Non-Progressive Corrective Action**

A series of incidents at close intervals or a serious infraction may be grounds for bypassing levels in this guideline. The following will describe those situations:

### *A Series of Incidents*

Unrelated incidents of poor work performance and attendance may be enough to establish a pattern of performance and behavioural problems which need not be treated independently.

In these types of situations the employer may advance to more severe levels of the guideline due to the cumulative effects of the employee’s performance.

If the above is being contemplated, a consultative process should occur with the Chief and Council to firstly, ensure that the employee has been made aware of the problems and appropriate documentation of the incidents has been made and secondly, to determine what corrective action is appropriate.

### *Serious Infractions*

Some infractions are of such a serious nature that a single incident may be grounds for immediate discharge. Examples are:

* Falsification of employment applications, production reports or other records.
* Possessing, using or being under the influence of intoxicants or narcotics at work.
* Theft.
* Deliberately causing damage to employee, First Nation or contractor property.
* Engaging in conduct that endangers fellow employees.
* Gross insubordination.
* Major safety violations.

### *Supervisor Action Plan for Serious Infractions*

Since the consequences of a serious infraction are a serious matter, the supervisor will not take action on own. Prior to making any decisions, the Supervisor will seek advice and input from his/her Manager and the Chief and Council.

Employee reporting for work or found working under the influence of intoxicating substances

* Immediately remove the employee from his/her job.
* Tell the employee that in the interest of safety he is being sent home. (The employee is not given a choice in this matter.)
* Explain to the employee that he will be contacted by the First Nation and is not to return to the workplace until advised otherwise.
* If there is a question of a medical issue, have the employee attended by a First Aid Attendant to determine if medical care is appropriate.
* Arrange for the employee to be escorted safely to his place of residence.

If possible, it is recommended that you involve another salaried employee in your discussion with the employee suspected of intoxication. As a minimum you should ensure that the employee has a union representative present. Suggest to the employee that they may want to seek the assistance of EFAP and provide contact information.