



The Corporation of the Town of Tecumseh

Policy Manual

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Subject:	64 Progressive Discipline Policy - Update August 2024.docx

1. Policy Statement

This policy has been developed to:

- 1.1 Provide a consistent, standardized process to ensure that discipline is administered fairly, reasonably, impartially, and with the utmost discretion, confidentiality, and respect for Employee's rights and dignity while also ensuring the Employee is held accountable for their actions; and build on the skills of our present staff and set clear job and behavioural expectations.
- 1.2 Provide guidance and assistance to Supervisors when the need for discipline of an Employee arises.

2. Scope

- 2.1 This policy applies to all Town Employees.
- 2.2 Employees covered by a collective agreement are subject to the terms and conditions in their respective collective agreements.

3. Definitions

- 3.1 “Bargaining Unit,” a group of Employees legally represented by a labour union for the purpose of negotiating terms and conditions of employment with an employer.
- 3.2 “Employee,” for the purpose of this policy, an Employee includes any unionized, non-unionized, management, full and part-time, permanent, temporary, student, volunteer firefighter, contract, and seasonal staff.
- 3.3 “Performance Improvement Plan,” is a tool to give an Employee with performance deficiencies the opportunity to succeed. It may be used to address failures to meet specific job goals or expectations or to improve behaviour-related concerns.
- 3.4 “Progressive Discipline,” a process for addressing job-related behavior that does not meet expected and communicated performance standards. The primary purpose for Progressive Discipline is to assist the Employee to understand that a performance problem or opportunity for improvement exists.
- 3.5 “Supervisor,” for the purpose of this policy, a Supervisor is any person who has charge of a workplace or authority over an Employee.

4. Procedure

General Parameters

- 4.1 All disciplinary matters shall remain confidential between the parties and shall not be disclosed to anyone other than as required to implement and manage the discipline.
- 4.2 Discipline should be issued as soon as possible after the violation comes to the attention of the Supervisor. Should an investigation need to be conducted, discipline should not be issued until the Supervisor is confident that they have the facts required to make an informed decision on the matter. Disciplinary timelines in the Collective & Association Agreements will be adhered to wherever possible. If more time is required, the Employer will notify the Union in writing accordingly.
- 4.3 Four important factors should be considered in all applications of disciplinary action:
 - a) the seriousness of the offence, including whether it was safety-related,
 - b) the Employee’s past record,

- c) the Employee's service time with the Town, and
 - d) the circumstances surrounding the particular case.
- 4.4 Progressive Discipline usually progresses as follows, although progression may alter depending on the nature and circumstances surrounding the issue. Steps may be repeated or escalated up to the point of termination depending on the factors.
- a) written warning
 - b) suspension without pay
 - c) termination of employment
- 4.5 In addition to the above disciplinary actions, the Supervisor may consider alternative options such as initiating a Performance Improvement Plan where appropriate. Non-disciplinary options such as a letter of expectation or an Employee development plan may also be considered. When considering alternate disciplinary and non-disciplinary options or escalating discipline, Supervisors should consult with the People & Culture Department to determine the appropriate level of discipline.
- 4.6 At the discretion of the Department Director and in consultation with the Director of People and Culture or designate, the Town may place an Employee on a paid leave of absence pending an investigation of allegations of misconduct, when the nature of the allegation compromises the ability of the Employee to perform their duties, and when a substantial period of time will be required to complete an investigation or legal action. Such leave is not considered disciplinary action and may not be appealed.
- 4.7 Prior to discipline being issued, all pertinent information will be reviewed with the Employee and the Employee will be provided with an opportunity to explain their actions to ensure that all facts or circumstances are known. It is the responsibility of the Supervisor to thoroughly evaluate the circumstances and facts as objectively as possible and then, if necessary, apply the most suitable form of discipline as appropriate. In situations where all the facts or circumstances are known, this meeting may not be required.
- 4.8 A People & Culture representative will attend any investigation or disciplinary meetings as a witness and assist the Supervisor in taking notes and obtaining all required information.

Employee Representation

- 4.9 If the Employee is a member of the CUPE Bargaining Unit, the Supervisor or People & Culture will ensure that they adhere to the collective agreement by providing notice to the Employee of the nature of the disciplinary meeting, advising the Employee of the right to have a union representative present at the meeting. The Employee may also have a union representative attend any fact-finding meetings that take place prior to the disciplinary action being imposed.
- 4.10 If the Employee is a member of the Tecumseh Fire Fighter's Association, the Supervisor or People & Culture will ensure that they adhere to the collective agreement by providing notice to the Employee of the nature of the disciplinary meeting, advising the Employee of the right to have an association representative present at the meeting.
- 4.11 Should an Employee decline the right to a union/association representative, a Waiver of Union Representation Form must be signed confirming such refusal and attached to the discipline letter.

Written Warning

- 4.12 This discipline will be issued in instances where:
 - a) the Employee continues to disregard a letter of expectation,
 - b) there is a series of unrelated infractions, or
 - c) where a single infraction is severe enough to warrant a written warning.
- 4.13 The Supervisor and People & Culture should arrange a meeting with the Employee to discuss the infraction and provide the written warning.
- 4.14 The written warning should confirm the date and nature of the infraction in detail, include a reference to the previous letter of expectation (if applicable), and clearly state what corrective action must be taken by the Employee to avoid further discipline, as well as indicating any supports that the Town can provide to the Employee.
- 4.15 The original letter is issued to the employee with a copy being placed in the Employee's file in People & Culture and a copy will also be sent to the Employee's bargaining agent (if applicable).

Suspension

- 4.16 This type of discipline should be applied for severe infractions or for repeated violations. For less severe infractions, a suspension is typically only issued after an Employee has received a written warning.

- 4.17 The Town will suspend an Employee without pay when circumstances related to an Employee's overall performance, or an incident would not warrant immediate termination. The length of suspension should not normally exceed five (5) working days. Exceptions may include, but are not limited to, incidents of violence, harassment and/or discrimination or serious acts of misconduct.
- 4.18 Employees will only be suspended with the authorization of the Director of People & Culture and the relevant Department Director.
- 4.19 The Supervisor and People & Culture will meet with the Employee to discuss the discipline and provide the letter of suspension. The letter will confirm the date and nature of the infraction in detail, include a reference to any previous discipline (if applicable), and clearly state what corrective action must be taken by the Employee to avoid further discipline, as well as indicating any supports that the Town can provide to the Employee. It will also outline details of the suspension including the Employee's return to work date.
- 4.20 The original letter is issued to the Employee with a copy being placed in the Employee's file in People & Culture and a copy will also be sent to the Employee's bargaining agent (if applicable).
- 4.21 People & Culture will contact payroll to ensure the suspension is processed in the payroll system in a timely manner.

Termination

- 4.22 The termination of an Employee may be warranted in instances involving insubordination, theft, harassment, or violence, illegal or destructive acts while on the job, or other substantial misbehaviour deemed inappropriate by the Town.
- 4.23 An Employee may also be terminated after repeated offences of a less serious nature than those listed in Section 4.22 or has demonstrated negative patterns of behaviour documented by the Supervisor and appropriate behavioural changes have not resulted from previous disciplinary actions.
- 4.24 An Employee will only be discharged with the authorization of the Director of People & Culture, the applicable Department Director, and the Chief Administrative Officer.
- 4.25 The Supervisor and People & Culture will meet with the Employee to provide notification of the termination in writing. This letter will be copied to the bargaining agent (if applicable) and placed in the Employee file in

People & Culture. In extreme cases and with the approval of the Director of People & Culture, the termination letter may be sent electronically, followed by a couriered original to the Employee.

- 4.26 The Supervisor or People & Culture will collect all Town property from the Employee.
- 4.27 People & Culture will complete an Employee Termination Form and send it to Payroll for processing. People & Culture will also complete an IT Asset Return Form and send it to IT for processing.

Discipline Records

- 4.28 All records of disciplinary action will remain in the Employee's file in People & Culture, which remains the property of the Town.
- 4.29 If the Employee is a member of the Tecumseh Firefighter's Association, the record of any discipline action, shall not be referred to or used against an Employee at any time after 24 months following such action, provided no other disciplinary action has been taken against that Employee within that last 24-month period. Health and Safety Infractions will remain in the employees' file for a period of five (5) years.
- 4.30 For all other Employees, a record of any disciplinary action will not be referred to or used against the Employee at any time after 24 months following such action, provided no other disciplinary action has been taken against the Employee within that 24-month period.
- 4.31 Where possible, all letters of discipline should be signed by the Employee and union/association representative, where applicable, confirming receipt of the letter.

Appeals

- 4.32 A member of CUPE or the Tecumseh Fire Association who has been disciplined may appeal the discipline under the grievance procedure of the applicable collective agreement.
- 4.33 A non-union Employee may appeal the discipline in a progressive manner. The non-union Employee must first submit their appeal in writing to their Supervisor within five (5) working days from the receipt of the discipline. The Supervisor will determine if the appeal has merit and render a decision in writing within ten (10) working days of receiving the appeal.

The Employee may further appeal this decision progressively to their Manager, Department Director, and the Chief Administrative Officer each within five (5) working days from receipt of the previous decision. The

Manager, Department Director and the Chief Administrative Officer will determine if the appeal has merit and render a decision in writing within ten (10) working days. The decision of the Chief Administrative Officer is final.

5. Responsibilities

5.1 Employee (as defined in section 3.2)

- a. Understand and comply with the policy associated with discipline.
- b. Be aware of the expected standards in the workplace.
- c. Be aware of the consequences of continuing with unacceptable performance or behaviour.
- d. Comply with requests to investigate the alleged misconduct or performance issues.
- e. Confirm their denial of the offer for a union/association representation by signing a waiver, where applicable.
- f. Inform their Supervisor if there are considerations under the Ontario Human Rights Code.

5.2 Supervisors (as defined in section 3.5)

- a. Provide appropriate direction, focus and resources to Employees.
- b. Monitor and recognize good performance.
- c. Address in a timely fashion situation where Employee behaviour or performance is unacceptable.
- d. Consult with People & Culture prior to initiating the Progressive Discipline process.
- e. Must respect the rights of unionized Employees to representation by their union/association. Please refer to the Collective/Association Agreements or People & Culture for further information.
- f. Must investigate and review all the information and documentation gathered from witnesses and the Employee prior to reaching any final conclusions.

- g. Must respect the confidentiality of the matter throughout the process.
- h. Ensure that:
 - i. The Employee is aware of the acceptable standards in the workplace.
 - ii. The Employee is made aware when his/her actions are unacceptable.
 - iii. The Employee is aware that future discipline may result if unacceptable behaviour or performance persists.
 - iv. The investigation is fair, objective, complete and timely.
 - v. The discipline fits the misconduct.
 - vi. The necessary documentation supports their action if it leads to arbitration, litigation, or criminal proceedings.
 - vii. Discipline or non-disciplinary measures must occur as soon as possible after the misconduct and investigation and, in any event, within the time limit in the relevant collective agreement, if any.

5.3 People & Culture Department

- a. Provide guidance, recommendations and advice associated with the procedures for discipline.
- b. Support Supervisors and Employees by providing advice and guidance with disciplinary matters.
- c. May impose discipline at all levels including suspension and terminations on corporate matters or breaches of policy.
- d. Attend any disciplinary meetings.
- e. Assist with interviews, investigations, research etc.
- f. Provide approvals as required.
- g. Maintain all records of discipline letters in the Employee files.

6. References and Related Documents

- 6.1 CUPE Local 702.1, 702.2, 702.5, 702.13 Collective Agreements

6.2 Tecumseh Firefighter's Association Agreement