



Hamlet of Fort Liard

PERSONNEL POLICY

Subject: PROGRESSIVE DISCIPLINE

PURPOSE

The Hamlet of Fort Liard ("Hamlet") seeks to uphold a standard of conduct in the workplace which is conducive to achieving the goals and objectives of the organization.

The purpose of the ***Progressive Discipline Policy*** provides for procedures for managerial reaction to unsatisfactory conduct. The objective should be constructive and tend to correct rather than punish.

To ensure the Hamlets goal and objectives are met the discipline policy outlines the Hamlets process for taking increasingly stricter corrective actions with employees who have behavioral problems, job performance issues, or don't follow company procedures and policies.

APPLICATION

This policy applies to all Hamlet employees

Where there is any conflict between this policy and policies set forth in a statute of the territorial or federal government, territorial or federal statute shall supersede the provisions of this policy.

POLICY

1. The Hamlet expects and is entitled to loyal and honest service on the part of its employees. Management has a responsibility to ensure that employee conduct which serves to hinder rather than achieve the Hamlet's goals and objectives is met with corrective measures referred to as "disciplinary actions".
2. Management recognizes that the maintenance of the required standards of conduct and discipline involves a hearing of the employee's side of the story and a consideration of each case on its own merit.
3. An employee has the right to present a grievance in respect of a disciplinary action with which the employee is not satisfied. In doing so, the employee must follow the grievance procedure set out in the Employment bylaw.

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CONSIDERATIONS

4. The following must be given consideration before any disciplinary action can be taken:
 - a) That a breach of conduct has taken place or is alleged to have taken place;
 - b) That a fair and objective investigation has been conducted;
 - c) That, where reasonable, the employee has been given advance warning of the possible or probable disciplinary consequence in the event of further misconduct;
 - d) That the standards of conduct have been applied consistently and without discrimination; and,
 - e) That the corrective method to be applied is appropriate in the circumstances.

Appropriate actions should ensure that disciplined employees are dealt with in an appropriate manner that is constructive rather than to punish.

PROCEDURES

5. The Senior Administrative Officer makes certain that proper documentation, factual and pertinent to the case, is prepared. Fundamental to the administration of discipline is the keeping of clear and concise records. Grievances may arise from certain disciplinary actions which may ultimately involve adjudication; in such cases, management records may have to be presented to justify the disciplinary action taken.
6. The Senior Administrative Officer is responsible for informing the employee in writing of any disciplinary action (other than an oral reprimand) taken against him. A record of the disciplinary action must be placed on the personnel file of the employee concerned and nothing of a disciplinary nature should be placed on the personnel file of an employee without the employee's knowledge. If an employee declines to acknowledge the content of the document placed on the personnel file, a notation should be made to this effect prior to filing the document.
7. The Supervisor makes recommendations for action of a disciplinary nature, including recommendations for extension of or rejection on probation, suspension, demotion or dismissal, to the Senior Administrative Officer for investigation and review to ensure:
 - a) Each case is considered on its merits;
 - b) That substantiating documents are obtained; and,
 - c) That the proper notification documents are prepared.

THE STEPS OF PROGRESSIVE DISCIPLINE

- I. Verbal warning or counseling
- II. Written warning or reprimand
- III. Specific warning of dismissal
- IV. Termination
- V. Performance Improvement Plan [PIP]

8. Verbal Reprimand

- a) An employer should give an employee a verbal reprimand as soon as a behavioral or performance problem is noticed.
- b) If the employee has any skill deficiencies or other correctible issues, the employer should make note of the issue and offer assistance.
- c) The verbal warning should be given in private, and detailed notes about the conversation should be kept in case further discipline is needed.
- d) If the reprimand is about a Hamlet policy that the employee violated, the employer should give the employee a copy of the policy.

9. Written Warning

- a) The employer should give the employee a written warning detailing the behavioral or performance problem if the verbal reprimand does not solve the problem.
- b) The written warning should explain the issue and give a specific time frame for the employee to correct the behavioral; it should also notify the employee that failure to improve will result in termination.
- c) The employer should have the employee sign a copy of the written warning so he or she can't claim it was never received.
- d) A copy of the written warning should be kept in the employee's personnel file.

10. Specific Warning of Dismissal

- a) The employer should give the employee a final written warning if the first written warning does not solve the problem.
- b) A copy of the previous written warning should be included with the final written warning.
- c) The final written warning should re-explain the issue and give a specific time frame for the employee to correct the behavior.
- d) The final written warning should notify the employee that failure to improve will result in the initiation of the termination process.

11. Termination

- a) The employer should prepare and deliver a letter of termination that states the reason for termination in clear and specific writing.
- b) A copy of all previous written warning should be included with the termination letter.

12. Performance Improvement Plan (PIP)

- a) A Performance Improvement Plan (PIP) is a formal document used by the employer which includes information about the behavioral or performance problem that needs to be addressed, and it includes specific dates when the employer will meet with the employee to review progress.

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- b) PIPs are commonly outlined for 30, 60, or 90-day periods.
- c) The employer should meet with the employee privately to discuss the PIP, and the employee should sign the PIP to indicate that he or she read and understands it.
- d) The employee can be terminated if any serious incident occurs during the PIP period.

REPEAL

13. This policy is effective January 24, 2020 and the Progressive Discipline Policy and amendments prior to this date are repealed.

This policy shall not be interpreted to contradict or violate a statute or regulation of the Federal or NWT Governments or the Hamlet Employment Bylaw.

The Hamlet Council will regularly review this policy and make any amendments considered appropriate.

Approved Motion: 2020-17

GUIDELINES FOR POLICY IMPLEMENTATION

Notwithstanding the foregoing, and keeping in mind that good judgment must be exercised in each circumstance, the following guidelines are provided:

- a) The primary responsibility for the maintenance of discipline rests with the Supervisor and forms an important part of the Employer-Employee relationship. It must be stressed, however that serious breaches of conduct which may require further disciplinary action.
- b) Important aspects of discipline may involve breaches regarding standards of general conduct or standards of conduct.
- c) The failure of an employee to maintain the required standards of conduct must be considered on individual merit. Managerial reaction to such should be constructive and tend to correct rather than punish. Disciplinary action should not be an act of retribution, but a positive response which indicates that the employee's actions are unacceptable, while motivating and encouraging the employee to develop better attitudes and performance.
- d) In assessing misconduct, consideration should be given to such factors as the employee's length of service, past record, the seriousness of the offense, and any other pertinent facts. An employee whose unsatisfactory behavior is attributable to physical, personal or domestic problems should be encouraged to seek professional advice or treatment. If this is unsuccessful, it may be necessary to resort to disciplinary measures. Where the conduct of the employee is incompatible with the minimum requirements of the work situation, or where corrective measures have been unsuccessful, termination may be unavoidable.
- e) Before disciplinary action is taken, an employee should be given the opportunity to explain the circumstances surrounding the suspected misconduct to the Supervisor. A private interview should take place. Disciplining an employee in front of fellow workers causes resentment and hostility and may nullify efforts to maintain a useful and productive employee. The requirement of privacy does not necessarily exclude from the discussion a representative where this is required or desirable.
- f) Circumstances may well require variations in management's response to apparently similar offenses but, whatever the response it must be made evident to the employees that disciplinary actions depend upon the nature of the offense and the attendant circumstances. Disciplinary action should not be delayed an unwarranted length of time. Too great a time gap between the breach of discipline and management's response tends to disassociate the offense from the corrective action.