## Discipline Procedures

### PURPOSE
The City of Hamilton ("the City") has detailed Discipline Procedures for the purpose of supporting supervisors and managers in the consistent administration of the Discipline Policy (Non-Union).

### SCOPE
These Procedures apply to all non-union City employees, including permanent full-time and part-time, temporary and contract employees, and to management employees and students (collectively called "Employees").

The provisions of the applicable collective agreement govern discipline for unionized employees.

### DEFINITIONS

<table>
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<tr>
<th>Acute</th>
<th>Immediately identifiable and calls for immediate action e.g. misappropriation of funds or violence in the workplace.</th>
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<tbody>
<tr>
<td>Chronic</td>
<td>Involve a continuing pattern of less serious violations such as consistently poor quality work; failure to follow directions or policies; or being disruptive in the workplace. These violations can be more appropriately handled through progressive discipline.</td>
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### PRINCIPLES
For effective administration of a discipline system, management should adhere to the following principles:

- **Action should be prompt.** There should be as little delay as possible between identifying an offence and taking the necessary action.

- **Action should be appropriate and fair.** The measures taken should be no more than necessary to correct the behaviour, relate only to the offence and the previous record of the offender, and not be influenced by any subjective considerations. The measures must not conflict with employment legislation including the Ontario Human Rights Code, Occupational Health and Safety Act, Employment Standards Act and Workplace Safety and Insurance Act.

- **Actions should be consistent.** There should be a uniform standard approach applied to all employees regardless of individual manager or supervisor reporting relationship.

- **Action should be defensible.** Any employee is free to lodge an appeal over disciplinary action. Where any financial penalty is involved, it may involve third party counsel. It is essential, therefore, that a complete record be kept of all circumstances leading up to disciplinary action.
**PROCEDURE**

Prior to imposing any level of discipline, Managers and Supervisors must consult with Employee and Labour Relations for advice and direction.

The performance of all direct reports must be documented and managed by Supervisors through the Performance Accountability and Development Tool. The daily coaching and performance management of direct reports is an essential and proactive method to address, solve and improve the work performance of an employee or team. All employees must understand the requirements of their position and be made aware of the consequences of not meeting performance expectations.

In the event that performance expectations are not being met, Supervisors may take action to improve performance.

Supervisory action to improve performance may be progressive in nature. In general, disciplinary action can take the form of a four-step process:

1. Verbal warning
2. Written warning
3. Suspension
4. Termination.

The level at which the disciplinary process is entered is dependent on multiple factors such as the seriousness of the violation and the employee's past record. It is not always the case that discipline will be progressive.

When employee behaviour warrants discipline; Managers/ Supervisors must meet with the employee to discuss the issue. During the interview:

1. Outline the performance problem by:
   - stating the corporation's expectations for every employee to perform at an acceptable level; and
   - advising the employee of the performance problem
2. Offer the employee an opportunity to explain his/her actions;
3. Advise the employee of the action being taken by management as a result of the performance problem and of the consequences if there is no improvement in the employee's performance;
4. Stress the need for improvement;
5. Jointly establish a plan of action to improve the performance problem;
6. Have the employee restate what you have explained to ensure they understand;

**Discipline Administration**

**Interview Process**
### Verbal Warning

7. Ask the employee for comments;

8. Document the interview in a letter to the employee and advise that the letter will be filed in the employee's personnel file.

If at any time the employee indicates that an underlying medical condition is contributing to the behaviour, contact Human Resources.

If the interview with the employee is held with the intent to issue a verbal warning, it must be made clear that the employee is receiving a verbal warning and that failure to improve could result in further discipline. In the documentation of the interview, Managers/Supervisors must note that a verbal warning was issued to the employee.

If a written warning is required, Managers/Supervisors must document the following in a written reprimand to an employee:

- The date and nature of the incident;
- The date of the interview with the employee;
- A summary of the incident;
- A plan of action for improving the performance problem;
- Expected improvements in the employee's performance;
- Actions that will be taken if the employee's performance does not improve; and
- The employee's responses or comments.

NOTE: Correspondence to the employee should be prepared as soon as practicably possible after an interview.

### Disciplinary Letter Procedure

If an offence follows a verbal and/or a written warning, or an initial offence is deemed to be severe, employees may be suspended with or without pay.

Managers/Supervisors must first consult with Employee and Labour Relations prior to giving a suspension.

### Suspension

Should the employee fail to improve or rectify the offence following initial steps in the discipline process, or if the initial actions of the employee are deemed to be severe enough to warrant it, the final step in the progressive discipline process is termination of employment.

- All terminations must be made in consultation with Employee and Labour Relations
- The Manager/Supervisor in collaboration with Human Resources must

### Termination

- All terminations must be made in consultation with Employee and Labour Relations
- The Manager/Supervisor in collaboration with Human Resources must
review all previous attempts to address the issue. Consideration should be given to the employee's attempt and effort to resolve the unacceptable behaviour before making the decision to terminate.

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<th>COMPLIANCE</th>
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<tr>
<td>Any employee who is found to have violated these Procedures or its associated Policy shall be disciplined according to the severity of the actions. Failure to comply with these Procedures will result in disciplinary action, up to and including dismissal</td>
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<table>
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<th>RELATED DOCUMENTS</th>
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<tr>
<td>The following related documents are referenced in this Procedure:</td>
</tr>
<tr>
<td>1. <em>Discipline Policy (Non-Union)</em></td>
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<td>2. <em>Termination Policy (Non Union)</em></td>
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<tr>
<td>3. <em>Code of Conduct for Employees Policy</em></td>
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<th>CONTENT UPDATED</th>
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<tr>
<td>2014-06-30</td>
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<table>
<thead>
<tr>
<th>SUPERSEDES PROCEDURE</th>
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<tr>
<td><em>Discipline Procedures (February 1992)</em></td>
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<th>HISTORY</th>
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<tr>
<td>This Procedure was first developed in February, 1992</td>
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<td>The corporate Policy Review Group was consulted in revisions made to these Procedures.</td>
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<th>APPROVAL</th>
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<td>Human Resources Leadership Team 2014-07-14</td>
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