

LABOUR AND EMPLOYMENT LAW'S BEST PRACTICE

## Manager's Checklist:

## **Progressive Discipline**

## Purpose:

- Correct employee behaviour
- Deter other employees from similar actions
- Communicate the standard of behaviour that must be adhered to

## **Progressive Discipline:**

- □ Conduct thorough investigation (need to determine 5W's)
- $\Box$  Meet with the employee
  - o At this point, purely investigative, fact gathering
- □ Be wary of prejudging or predetermining the disciplinary response
- □ Consider a suspension with pay until investigation is complete
- □ Ensure fair investigation conducted and completed in reasonable time
- □ When determining penalty consider the following:
  - Severity of misconduct
  - Has the employee been properly trained?
  - Mitigating circumstances
    - Apology
    - Employer condonation
    - Failure to warn
    - Compassionate grounds
    - Reasonable excuse
    - Rehabilitative potential
    - Past record
    - Length of service
- □ Ensure discipline policy is universally and consistently applied
- □ Prepare disciplinary letter, including:
  - Description of incident
  - Why the behaviour was unacceptable
  - Employee's explanation
  - Reference to prior discipline
  - Employer's decision and reasons for discipline (link to breach of policy)
  - o Employer's expectations for future
- □ Meet with employee to communicate discipline
  - o Teach, don't scold Correct, don't punish