



Human Resources General Policies

TITLE: Constructive Discipline (All Employees)	NUMBER: 3-65
Effective Date: July 11, 2012	Page: 1 of 3
Applies to: All GASHA Employees, Board Members, Affiliates, Volunteers	

POLICY

GASHA establishes and maintains appropriate administrative policies and procedures which provide for effective management of District services, and provide for proper disciplinary action whenever an employee fails to observe the terms of the policies/procedures.

The desired outcome of constructive discipline is to affect a positive change in an individual's behaviour. All constructive discipline is administered on a fair, uniform, and impartial basis.

The level of constructive disciplinary action served depends on the severity, intent, consequences, and frequency of the offence(s). The length of employment, the employee's record, and their position in relation to the violation must be taken into consideration.

If management is considering constructive discipline, the Human Resource Department must be consulted. Recognizing that incidents may happen in the evening or night shift, the person in charge can send the employee home with pay and follow-up with investigation and disciplinary action the following day.

All recommendations for termination of employment must be jointly discussed with the Director in charge of the department, the Director's Vice President and the Director of Human Resource Services.

PROCEDURE

The following steps outline progressive constructive discipline or can be discipline stages on their own, subject to circumstances of the offence.

1. **Employee Counseling** - It is within the discretion of the management personnel to decide when to counsel an employee and when to implement formal discipline. Counseling is used in situations where the Manager feels that a reminder or a discussion will resolve the employee behavioral problem in question.

2. **Verbal Warning** - The management personnel outlines the violation of the policy and /or circumstances leading to discipline and verbally warns the employee that should the offence

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reoccur, the employee will be given a warning letter. An interview summary is prepared and a copy forwarded to Human Resource Services for the personnel file.

3. **Written Warning** - Should an incident arise that warrants immediate administration of a warning letter or should a previous offence reoccur in the progressive discipline process, the Manager presents the employee with a letter outlining the circumstances that occurred and indicating that should the offence reoccur, the employee will be subject to further disciplinary action. A copy is maintained on the personnel file.
4. **Suspension** - Should a previous offence reoccur in the progressive discipline process or should an incident occur that warrants immediate suspension, without pay, management personnel shall discuss the number of days for suspension with Human Resource Services. The length of the suspension depends upon the severity of the offence and is agreed upon by the Director of the department, and the Director of Human Resource Services.
5. **Termination** - If the employee's behavior does not change in the progressive discipline process and/or a specific incident itself warrants discharge, a recommendation is made to the departmental director for termination of the employee as per the following procedure:
 - 5.1 A recommendation to terminate an individual's employment will originate from the department management and will be made to the Director of the department. In arriving at this recommendation, the departmental management must consult with Human Resources.
 - 5.2 If the departmental Director wishes to proceed with the termination of employment, they must recommend this action in writing and forward it, along with all appropriate documentation to the Vice President to whom they report. If the Vice President approves the recommendation, they must then forward it to the Director of Human Resources who must also approve the recommendation.
 - 5.3 If the Vice President and the Director of Human Resources approve of the recommendation, this will be communicated back to the department Director for action. If the Director of Human Resources does not agree with the recommendation, they will consult with the Vice President or Director to review further. If such consultation does not result in agreement, the matter will be referred to the Chief Executive Officer.
 - 5.4 If the reasons for possible termination of employment are of a more immediate nature (e.g. gross insubordination, or safety violations), the employee should be given a suspension for an indefinite period pending investigation. The required approvals for termination can then be sought.

Types of Offences

The following list includes examples but is not limited to offences which warrant constructive disciplinary action:

1. Theft
2. Gross unsafe acts with potentially serious consequences
3. Violation of safety rules or procedures
4. Harassment
5. Falsification of employment records
6. Destruction of employer property
7. Consumption of alcohol or drugs while on duty
8. Abandonment of position
9. Employee absence without permission
10. Employee tardiness
11. Abuse of rest breaks
12. Failure to carry out supervisory instructions

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13. Failure to follow safety regulations
14. Failure to follow prescribed work procedures
15. Smoking in unauthorized places
16. Inappropriate behavior exhibited towards staff or patients
17. Insubordination
18. Violation of District policies/procedures
19. Breach of Confidentiality
20. Inappropriate use of electronic devices and social media.

Responsibility of the Departmental Management:

1. Document the incident and discuss it with the employee as soon as possible.
2. Send the employee home immediately if the incident warrants removal of the employee from the District premises.
3. Participate in a thorough investigation to determine the facts of the case.
4. Discuss the incident with the management personnel or Vice President.
5. Contact the Human Resource Department as outlined in the policy.
6. Communicate the decision to the employee in person as soon possible. The employee may wish to be represented by their union at this meeting.
7. Inform the employee that a copy of the interview and/or letter is on their personnel file.
8. Ensure that the documented facts or a counseling session(s) and verbal warning(s) are included on the personnel file.
9. A copy of the letter for a written warning, suspension, or discharge must be maintained on the file.
10. Monitor the performance of the employee to ensure that further incidents do not occur.
11. Ensure that the employee receives appropriate counseling if a problem is identified. In certain incidents, retraining and/or education may be required and should be implemented.

Responsibility of Human Resources:

1. Ensure that a thorough investigation of the facts have been carried out.
2. Review the case law pertinent to the offence and consult with legal council at NSAHO if necessary to determine whether there have been similar cases.
3. Prepare the letter for the departmental Director, which should be brief. Refer to the offence in question, the policy violated, the disciplinary decision and the consequences of future offences.
4. Inform the Union Executive if it is the wish of the employee.
5. Ensure that a copy of all correspondence is maintained in the employee file for the time periods specified in the collective agreements.
6. Maintain a record of all applicable notes, correspondence and other evidence involved with each incident.

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