



## Committee of Whole

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**Meeting Date:** May 25, 2021  
**Submitted by:** Jessica P. Ngai, Human Resources Manager  
**SUBJECT:** PROGRESSIVE DISCIPLINE POLICY, HR POLICY 1.09

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### **BACKGROUND:**

The Human Resources department conducts regular reviews of human resource policies to ensure that they remain current and consistent with best practices. County Council previously approved a policy, titled Responsibility for Disciplinary Actions (HR Policy 1.09), which provides some general information to staff and management on how discipline is to be handled within the organization. Following a review of this policy, it was determined that a more robust policy was necessary and therefore, the proposed Progressive Discipline Policy was developed to replace the aforementioned policy.

This policy applies to all County and Library Board employees with the exception of Strathmere Lodge and Middlesex-London Paramedic Service employees as both entities have their own progressive discipline policy and procedure. We are currently reviewing Strathmere Lodge's informal policy and will be bringing a formal policy to Council in the third quarter.

### **ANALYSIS:**

The objective of progressive discipline is to identify and clearly explain unsatisfactory or unacceptable performance or conduct to an employee, with the expectation that the employee will immediately take the necessary corrective action to improve their performance and/or conduct to an acceptable level.

The revised policy outlines that progressive discipline will progress through five (5) steps: (1) coaching; (2) verbal warning; (3) written warning; (4) final written warning and possible suspension; and (5) termination of employment. However, the policy does state that the progression of discipline may change depending on the specific situation.

Since every situation of potential misconduct is unique to the particular circumstances at hand, the revised policy provides a chart (Appendix "A") that outlines suggested

progressive discipline for common workplace issues. However, consideration will be given to the nature of incident, factual details, the frequency of offences and the employee's overall work record prior to using any progressive discipline.

The County recognizes the importance of having a more detailed progressive discipline policy for the benefit of both staff and management. With the implementation of the newly proposed policy, the County will have a comprehensive framework in place to ensure progressive discipline is applied in a consistent manner within departments and across the organization. As well, management will have more detailed information to assist them in assessing potential employee's misconduct and how to respond to these often difficult situations.

#### **FINANCIAL IMPLICATIONS:**

The recommendation contained in this report has no financial impact.

#### **RECOMMENDATION:**

That County Council approve replacing Human Resource Policy 1.09 "Responsibility for Disciplinary Actions" with the attached Human Resource Policy 1.09 "Progressive Discipline Policy".

Attachment:

1. Progressive Discipline Policy (HR 1.09) (revised version)
2. Responsibility for Disciplinary Actions (HR 1.09) (old version)



## Human Resource Policy 1.09

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**Subject:** PROGRESSIVE DISCIPLINE POLICY

**Scope:** ALL COUNTY & LIBRARY BOARD EMPLOYEES (EXCLUDING STRATHMERE LODGE EMPLOYEES)

**Issued:**

**Revised:**

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### **Purpose:**

The County of Middlesex (the "County") recognizes that the acceptable conduct of employees is necessary for the orderly operation of the County and for the benefit and protection of the rights and safety of all employees. Disciplinary procedures exist to promote the understanding of what is considered unacceptable conduct and to encourage consistent action in the event of misconduct.

The objective of progressive discipline is to identify and clearly explain unsatisfactory or unacceptable performance or conduct to an employee, with the expectation that the employee will immediately take the necessary corrective action to improve their performance and/or conduct to an acceptable level.

The purpose of this policy is to assist Managers to reasonably and fairly assess violations of rules, regulations, policies, standards or notices; and determine if discipline is warranted by providing a guideline to ensure consistent application of discipline across the County.

### **Policy:**

#### Definitions:

**Chief Administrative Officer** means the individual appointed by Council to the position of Chief Administration Officer.

**County** means the Corporation of the County of Middlesex.

**Employee(s)** means any person working for the County in an employment relationship regardless of whether they are employed on a full-time, part-time, temporary or permanent basis.

**Human Resources** means any employee working in the Human Resources Department.



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**Manager(s)** means County employees who are charged with overseeing a particular department or operation, and is responsible for disciplining of staff.

**Misconduct** means any behaviour that an employee should have known is not appropriate. It would involve either an inappropriate action taken by an employee or a failure to act appropriately.

### What is Progressive Discipline?

Progressive discipline is a formal approach to coaching and correcting unwanted behaviours of employees. Progressive discipline has not been designed to be a punishment but rather a formal approach to coaching and correcting unwanted behaviours. The true goal of progressive discipline is to work with employees in order to assist them in correcting behaviours, attitudes, or actions that could have harmful results on their employment.

This policy is to be applied consistently and fairly throughout the County. The focus of the procedure is to help employees achieve acceptable conduct through a series of progressive discipline levels. The County recognizes the need to effectively, fairly and consistently manage all aspects of employee performance in order to sustain employee contribution and enthusiasm.

### Responsibilities:

#### **1. Employee Responsibilities**

- 1.1 Be aware of standards, including but not limited to, applicable legislation, County policies and procedures, departmental/divisional policies and procedures, and expectations of management.
- 1.2 Advise Manager if they are having difficulty carrying out their job duties and responsibilities, or if they do not have the proper resources to do so.
- 1.3 Be aware of the consequences of unacceptable conduct as outlined in this Policy.
- 1.4 Participate in investigations related to potential misconduct.
- 1.5 Inform Manager if there are considerations under the Ontario *Human Rights Code* that may affect their performance.

#### **2. Manager Responsibilities**

- 2.1 Provide appropriate direction and resources to employees.
- 2.2 Ensure that employees are provided with clear expectations and standards, including but not limited to, applicable legislation, County policies and procedures, and/or departmental/divisional policies and procedures.



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- 2.3 Address any misconduct in a timely manner, with the understanding that the employee's work schedule and arranging union representation may cause delays.
- 2.4 Ensure employees are aware that union representation is encouraged.
- 2.5 Consult with Human Resources before progressing to a written warning, or sooner if the Manager would like support and/or advice at any step in the process.
- 2.6 Ensure relevant documentation is forwarded to Human Resources to be placed in the employee's personnel file.

### **3. Human Resources Responsibilities**

- 3.1 Support Managers with their responsibilities under this policy.
- 3.2 Assist or lead investigations into misconduct, as necessary.
- 3.3 Ensure relevant documentation is saved in the employee's personnel file.
- 3.4 Ensure fair and consistent application of this policy across the County.

#### **Procedure:**

In the event that an employee violates a County policy or procedure or exhibits problematic behaviour, a system of progressive discipline shall be utilized. Progressive discipline can be issued to address a number of misconduct or behavioural issues, including but not limited to the following examples:

- Attendance (arriving late; leaving early; unexplained absences without permission; or failure to notify of an absence);
- Conduct (unprofessional behavioural; rude or inappropriate comments or jokes);
- Health and Safety violations (unsafe practices, failure to follow health and safety policies or procedures; or compromising behaviours that put employees at risk);
- Failure to follow County or Departmental/Divisional Policies and Procedures;
- Performance concerns (unsatisfactory work performance; unacceptable performance standards; missing deadlines)
- Dishonestly; and/or
- Theft.

Employees will be provided with five (5) opportunities to correct the unwanted behaviour, unless the behaviour or concern is one of a severe nature, in which case, progressive discipline can be accelerated to match the violation.



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Typically, progressive discipline will progress through the following five (5) steps:

### **1. Coaching**

Coaching is an informal step in the progressive discipline process. Coaching is a documented process that offers the employee an opportunity to correct an issue before starting the formal discipline process and receiving a verbal warning. Depending on the nature of the issue or concern, this step may be skipped.

### **2. Verbal Warning**

A verbal warning is the first formal step in the progressive discipline process. A verbal warning is a formal discussion with the employee, wherein the employee is advised of an issue or issues that require correction and how to improve or correct it. As part of the verbal warning, the employee should understand that there is risk for additional disciplinary action if the issue or issues do not improve. The Manager should take notes to be placed in the employee's personnel file.

### **3. Written Warning**

A written warning is the second formal step in the progressive discipline process. The written warning consists of a formal discussion with the employee, which is documented in writing for the employee and the Manager's reference. The written warning will include the expectations that were communicated, the required changes and the consequences should the employee not follow the guidance provided. A copy of the written warning shall be placed in the employee's personnel file.

### **4. Final Written Warning and Possible Suspension**

A final written warning and possible suspension is the third formal step in the progressive discipline process. The final written warning follows the same process set out in the written warning step above. At this step, it should be clearly communicated to the employee that this is the final reprimand, and the next step will be termination of employment.

During the final written warning, an employee may be suspended or put on review. Employees put on suspension will be excluded, with pay, from the workplace for a period of one (1) to three (3) days, depending on the violation. Typically, a suspension will be for three



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(3) days unless the employee is required at work to complete projects or perform required duties. The purpose of the suspension will be to provide the employee with time to reflect on their actions as well as their continued employment with the County.

### 5. Termination

The final step of the progressive discipline process is termination of employment. Termination of employment may occur following an employee committing multiple violations of County policies, procedures, standards or notices after the logical steps for progressive disciplinary action have taken place, or immediately following a severe violation.

#### Administration

All formal disciplinary warnings and reprimands will be kept on file for a period of eighteen (18) months or in accordance with the applicable collective agreement. If no further discipline happens within the time period above, the warning or reprimand will become inactive. If further offences relating to the issue occur, the warning will be attached to the next set of progressive disciplinary actions, if applicable.

Where a collective agreement outlines a different progression of discipline or is inconsistent with any sections of this policy, the collective agreement shall supersede.

A suspension or termination of a Department Head/Senior Manager shall be reported to the Warden immediately. A full, written report shall be presented at the first Committee meeting in closed session following the incident leading to the suspension or termination. Any discussion surrounding disciplinary matters at either Committee or Council shall be held in closed session.

The progression of discipline may alter depending on the nature and circumstances of the misconduct; disciplinary steps may be repeated or skipped depending on the circumstances. An employee may face severe disciplinary action, up to including termination, if the misconduct warrants it, even if there is no previous disciplinary record.

The Chart attached as **Appendix "A"** to this policy outlines suggested progressive discipline for common workplace issues; however, consideration will be given to the nature of incident, factual details, the frequency of offences and the employee's overall work record prior to using any progressive discipline.

Appendix "A" is meant to provide examples of unacceptable offences and the resulting discipline. Additional acts of misconduct may warrant further disciplinary action. Depending on the severity of the action, the County reserves the right to advance the progressive discipline to a higher level that fits the violation.



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### Investigation and Documentation

All alleged violations will be properly investigated and documented by the employee's direct Manager, and/or with the support of the Human Resources Manager. During the investigation stage, the employee shall be given an opportunity to explain their reason for the misconduct. All formal measures taken within the progressive discipline process will be documented and kept in the employee's personnel file.

The employee, union (if applicable) and Human Resources shall be provided with a copy of any disciplinary document that is to be placed in an employee's personnel file. An employee has the right to appeal any discipline imposed in accordance with the Appeal process below.

### Appeals

If an employee feels that they have been wrongfully accused, or disciplined, they may file a written appeal with the Human Resources Manager and/or the Chief Administrative Officer, or file a grievance as per the applicable collective agreement. Written appeals must contain:

- Details of the discipline;
- Events surrounding the discipline; and
- Why the employee feels the discipline is unwarranted or inappropriate.

The Human Resources Manager and/or the Chief Administrative Officer shall review and respond to all written appeals within ten (10) business days. The timeframe to respond may be extended by mutual agreement of the parties involved in the event further investigation is required.

### Acknowledgment and Agreement

I, \_\_\_\_\_, acknowledge that I have read and understand the Progressive Discipline Policy of the County of Middlesex. Further, I agree to adhere to this policy. I understand that if I violate the rules/procedures outlined in this policy, I may face disciplinary action, up to and including termination of employment.

Date: \_\_\_\_\_

Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Witness: \_\_\_\_\_





# Human Resource Policy 1.09

## PROGRESSIVE DISCIPLINE POLICY APPENDIX "A"

### Key: Formal Disciplinary Actions

V: Verbal Warning

W: Written Warning

FW: Final Written Warning and Possible Suspension

S: Suspension

T: Termination of Employment

DESCRIPTION	VIOLATION			
	1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup>	4 <sup>th</sup>
<b>Attendance Violations</b>				
Unscheduled/unexplained absences	V	W	FW	T
Unapproved late arrivals/ Unapproved early exits	V	W	FW	T
Unapproved extended breaks or meal times	V	W	FW	T
Absences that exhibit a pattern or trend	V	W	FW	T
Three (3) or more consecutive days of no call, no show at work	T			
<b>Conduct Violations</b>				
Failure to follow County or Departmental/Divisional policies, practices and/or procedures	V	W	FW	T
Using another person's computer login, passwords or access codes without proper authorization	W	FW	T	
Giving out your password, access codes and logins for the intention of allowing another person to gain access	W	FW	T	
Unauthorized and improper use of County property	W	FW	T	
Making unauthorized long distance calls from work phones	W	FW	T	



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DESCRIPTION	VIOLATION			
	1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup>	4 <sup>th</sup>
Smoking on work premises in unauthorized areas or in County vehicles	V	W	FW	T
Compromising the privacy and confidentiality of another or of County information, including medically related documents	FW	T		
Being unfit to perform job requirements, including sleeping on the job, working under the influence of illegal drugs and alcohol or working while impaired by prescription medication	W	FW	T	
Insubordination, including refusing to accept instructions from supervisors, managers, and/or directors.	V	W	FW	T
Use of profane or abusive language on County premises or when acting on the County's behalf	V	W	FW	T
Actions that considered to be disrespectful, malicious, harmful or damaging to others, including inappropriate comments, gossip or rumours	V	W	FW	T
Failure to appropriately interact with anyone on County premises, including visitors, customers, patients, or other employees	V	W	FW	T
Actions that are considered to be disrespectful or harmful to others	W	FW	T	
Threats, fighting, or other physical actions against another person while on County premises or while acting on behalf of the County	FW	T		
Breaches of confidentiality that violates privacy or that puts the County in a liable position	S	T		
Crimes against the County, including theft, willful damage of County property, consumption of alcohol/illegal drugs/weapons/explosives	T			



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DESCRIPTION	VIOLATION			
	1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup>	4 <sup>th</sup>
Any activity which violates federal or provincial standards regulating the provision of professional services or violation of regulations that affect licensing, commissioning or certification	T			
Dishonestly/Theft	T			
<b>Health &amp; Safety Violations</b>				
Failure to follow County policies, practices and procedures that relate to the health & safety of the County and its employees	V	W	FW	T
Failure to wear the required personal protective equipment	V	W	FW	T
Failure to immediately report an accident on work premises or of County responsibility	W	FW	T	
Using County machinery or equipment without proper training or certification	W	FW	T	
Behaviour which could compromise the safety of yourself or others	FW	T		
<b>Performance Violations</b>				
Not meeting job requirements/ standards	V	W	FW	T
Missing deadlines	V	W	FW	T
Not attending, arriving late or leaving early to scheduled meetings, including team, group, and/or client meetings.	V	W	FW	T

**Subject:** RESPONSIBILITY FOR DISCIPLINARY ACTIONS

**Scope:** ALL COUNTY AND LIBRARY BOARD EMPLOYEES

**Issued:** December 12, 1989

**Revised:** March 25, 2014

**Reviewed:** September 13, 2016 – Middlesex County Council

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**Purpose:**

To set out responsibilities for reporting and issuing disciplinary action.

**Policy:**

Department Heads may issue discipline up to and including suspensions without pay. Further discipline or discipline that involves management staff must be done in consultation with, or by, the Chief Administrative Officer.

**Procedure:**

Department Heads have the responsibility and authority to issue disciplinary actions up to and including suspensions without pay. Where appropriate, Human Resources should be consulted prior to taking action.

Terminations of employment shall be the responsibility of the Department Head in consultation with the County Administrator and the Human Resource Manager

The Chief Administrative Officer has the authority and responsibility to direct disciplinary action up to and including suspension of all Management staff, including Department Heads, and administrative staff.

Suspension of Department Heads or termination of Senior Management shall be immediately reported to the Warden. A full, written report shall be presented in camera at the first Committee meeting following the incident leading to the suspension or termination.

Any discussion surrounding a disciplinary matter at either Committee or Council shall be held in closed session.