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# e2r Alert!

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## Progressive Discipline *Your Questions Answered!*

While the concept of progressive discipline in the workplace isn't anything new, it is often under-utilized and misunderstood by many employers.

In exceptional circumstances, immediate termination for an act of severe misconduct may be appropriate but, in almost all cases, employers should be guided by the principle of progressive discipline before proceeding with termination for cause as a last resort.

So, let's answer some common questions when it comes to disciplinary practices...

### **What is progressive discipline?**

Progressive discipline is a process used to address unsatisfactory job performance or misconduct in the workplace. The concept behind progressive discipline is that the disciplinary action against the employee will begin with mild corrective action and gradually move to more serious actions as each incident occurs, eventually permitting an employer to terminate for cause in appropriate cases.

An employer should set out their approach to progressive discipline in a clearly written policy, which can be referred to as necessary.

### **What is the purpose of progressive discipline?**

The primary purpose of progressive discipline is to help an employee understand that a performance or behavioural problem exists and to offer opportunities for improvement. Effective discipline helps to correct issues, increase productivity, and protect a company against wrongful termination lawsuits.

### **What types of conduct warrant discipline?**

Some examples of common employee issues triggering discipline include:

- Inadequate work quality/poor job performance

- Absenteeism
- Tardiness
- Misconduct in the workplace
- Deliberate abuse of company property
- Aggressive or unprofessional conduct toward co-workers
- Breach of company policy

### **What are the levels of disciplinary action?**

While some approaches may vary depending on the company, generally, progressive discipline policies provide for four levels of discipline:

1. Verbal Warning: This warning is issued on the first unsatisfactory performance and/or misconduct and should be recorded in the employee's personnel file.
2. Written Warning: This warning serves to firmly call the employee's attention to continued unsatisfactory performance and/or misconduct. The written warning typically includes the cause for warning and the recommended corrective action.
3. Final Warning/Suspension (if permitted): The final warning serves to put the employee on notice that their unsatisfactory performance and/or misconduct is not acceptable and that failure to immediately correct the problem may be cause for more serious disciplinary action, including termination of employment for cause.
4. Termination/Dismissal: This final level reflects the employee's continued failure to correct unsatisfactory performance and/or misconduct despite prior corrective actions or reflects a serious infraction of the standards of employee conduct that warrants termination of employment for cause.

### **How is the appropriate level of discipline determined?**

Employers are expected to apply disciplinary measures fairly and consistently, taking into account any specific circumstances of the situation.

Some examples of factors that may affect the level of disciplinary action taken include the following:

- Was the misconduct intentional?
- Is the employee accepting responsibility for their actions?
- Was the infraction an isolated incident?
- Is this a long-term employee?

- What is the work history of the employee?

### **Takeaway**

It is important for employees to know what is expected and how their performance and conduct will be addressed should it fall short of workplace standards. Progressive discipline policies hold everyone accountable and should to be supported by accompanying procedures and practice.

If you have questions pertaining to a progressive discipline policy or the appropriate disciplinary measures for a specific situation in your workplace, our Advisors are here to help!