

HRPOL

Chapter 23: Discipline

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APPLICATION

- 23.1 This policy applies to all Staff of Non Public Funds, CF (SNPF) employees.
- 23.2 Bargaining unit employees should also consult their respective collective agreements and the provisions of the collective agreement shall prevail.

APPROVAL AUTHORITY

- 23.3 Chief Executive Officer (CEO) or delegate

OPI

- 23.4 Chief Human Resources Officer (CHRO)

ENQUIRIES

- 23.5 All enquiries on the interpretation and application of this policy are to be directed to the Human Resources Manager (HRM) or Regional Manager Human Resources (RMHR) and when required, forwarded to the OPI.

DEFINITIONS

- 23.6 The following vocabulary is used throughout this policy:
 - i. Administrative Investigation (Enquête administrative): is a fact-finding process in which evidence related to allegations is examined and considered to determine whether, on the balance of probabilities, the allegations are founded and whether the inappropriate behaviour constitutes a breach of policy, statute or an implicit standard.
 - ii. Administrative process (Processus d'administration): is the process by which an employee is informed of the misconduct for which discipline may be imposed and is provided with an opportunity to share their rational, explanation, evidences and mitigating factors prior to the imposition of discipline and with assistance, if desired.
 - iii. Balance of Probabilities (Prépondérance des probabilités): is the standard of proof required by law in civil actions. It is more likely than not that an alleged event occurred after the gathering and analysis of related evidence and materials to a situation.
 - iv. Discipline (Mesure disciplinaire) an action imposed by the Employer as a means to alter an employee's inappropriate conduct and/or clarify expected conduct.
 - v. Mitigating Factors (Facteurs atténuants) any information or evidence regarding the employee or the circumstances that may affect the level of disciplinary action(s)

considered.

- vi. Misconduct (Inconduite) occurs when an employee deliberately, recklessly, or negligently (through inaction or inattention) breaches a policy, statute or implicit standard.
- vii. Off-duty conduct (Conduite à l'extérieur du travail) is characterized as actions and/or displayed behaviour by SNPF employees outside of their working hours.
- viii. Progressive Discipline (Mesures disciplinaires progressives) an increase in severity of disciplinary measures to correct behaviours and/or conduct to meet the Employer's expected standards.

POLICY OBJECTIVE

23.7 The objectives of this policy are:

- i. to provide a framework when an employee's conduct fails to meet the Employer's expectations; and;
- ii. to establish the requirements for corrective action.

GENERAL POLICY

STANDARDS OF CONDUCT

- 23.8 Standards of conduct are to be enforced in a reasonable and consistent manner.
- 23.9 Employees shall be afforded due administrative process before any disciplinary action is taken.
- 23.10 Disciplinary action is to be taken subject to satisfactory evidence on the balance of probabilities that the employee breached a policy, statute or an implicit standard.
- 23.11 Discipline is intended to improve employee's performance, behaviour and conduct as well as reducing the risk of reoccurrence. Discipline is not intended to be punitive.

PROGRESSIVE DISCIPLINE

- 23.12 The goal of progressive discipline is to:
 - i. communicate/enforce the Employer's expectations for conduct;
 - ii. to provide appropriate supports when possible;
 - iii. to afford the employee with the opportunity to improve their conduct.
- 23.13 Depending on the mitigating factors, the Manager and/or Delegated HR Authority, in consultation with their local HRM will determine the most appropriate form of disciplinary action in consideration of the employee's misconduct and mitigating circumstances.
- 23.14 Serious offences may result in immediate disciplinary suspension or dismissal.

ADMINISTRATION OF DISCIPLINE

- 23.15 Discipline should be initiated as soon as possible after an incident has been found to have occurred or upon the conclusion of an investigation.
- 23.16 For bargaining unit employees, the respective collective agreement provisions to have a

representative present during discipline meetings must be followed.

OFF DUTY CONDUCT

- 23.17 The Employer may administer discipline to employees for off-duty conduct if such conduct:
- i. detrimentally affects the reputation of the Employer;
 - ii. renders the employee unable to properly carry out their employment obligations;
 - iii. inhibits the ability of the Employer to effectively manage and direct its operations; or
 - iv. erodes the Employer's trust in the employee to the point that the employment relationship is damaged.

EMPLOYEE THEFT

- 23.18 The Employer has zero tolerance toward employee theft, and upon satisfactory evidence on the balance of probabilities that an employee has committed theft, formal disciplinary action will be imposed up to and including termination.

DISCIPLINARY MEASURES

- 23.19 In increasing order of severity, disciplinary measures are as follows:

- i. verbal reprimand;
- ii. written reprimand;
- iii. disciplinary suspension, which is the temporary removal of an employee from the workplace without pay imposed as a consequence for misconduct;
- iv. demotion, which is a transfer of an employee, imposed as a disciplinary measure, to a vacant position that has a lower maximum rate of pay than the employee's former position. Demotions should be used in rare situations as an alternative to discharge where the Employer is of the opinion that, despite the misconduct, the employee has demonstrated that they are still suitable for continued employment in a position of lower responsibilities and where the manager is able to immediately transfer the employee to a suitable vacant position; and
- v. discharge, which is termination of an employee's employment imposed as a consequence for misconduct. Discharge is the most severe disciplinary measure and has no rehabilitative element for the employee. As such, it should only be imposed after careful consideration when it has been determined that the misconduct has rendered the employee unsuitable for continued employment.

- 23.20 Appropriate disciplinary measures will be determined based on factors such as:

- i. nature and severity of the misconduct;
- ii. frequency and length of time involved;
- iii. the employee's past work record and length of service;
- iv. the employee's future prospects for acceptable behaviour (e.g. recognition of the impropriety of the behaviour, demonstration of remorse, willingness to reform conduct, timeliness of the apology or rectifying actions, demonstration of positive action to remedy the cause of the behaviour, potential for rehabilitation); and
- v. other mitigating circumstances (e.g. provocation, misunderstanding, mental impairment).

- 23.21 Once a decision on the disciplinary measure is made, the employee shall be informed of the decision in writing.
- 23.22 Any written notice of disciplinary action shall be added to the employee's personnel file.
- 23.23 For bargaining unit employees, the notice shall remain on the employee's file as per the provisions of their respective collective agreement.

APPEALS/GRIEVANCE

- 23.24 Any employee who is subject to any written disciplinary action will have access to the applicable grievance procedures.

AUTHORITIES

- 23.25 The levels of accountability are as follows:
- a. Employees are responsible for:
 - i. ensuring they are aware of and fulfill work expectations;
 - ii. acting in a respectful manner in the performance of their duties and interactions with co-workers, managers and clients;
 - iii. conforming to organizational policy, statute and standards of conduct, both implicit and explicit, whether they are established at the local, regional, divisional or national level; and
 - iv. be aware that their off duty conduct may impact their employment and lead to disciplinary measures.
 - b. managers are responsible for:
 - i. ensuring that their employees are aware of NPF policy, applicable statute and standards of conduct in the workplace and communicate expectations,
 - ii. managing employees effectively by providing ongoing and timely feedback on conduct;
 - iii. administering this policy in consultation with the local HRM;
 - c. the Delegated HR Authorities identified for disciplinary matters are responsible for:
 - i. ensuring this policy is enforced in a fair and consistent manner; and
 - ii. consulting with their local Human Resources Office for any disciplinary actions to be imposed.
 - d. HRMs are responsible for:
 - i. assisting on the resolution of disciplinary matters,
 - ii. monitoring the application of this policy,
 - iii. assisting the Delegated HR Authority in determining appropriate disciplinary measures when applicable;
 - e. RMHRs are responsible for:
 - i. carrying out compliance reviews with the HRM to ensure proper application of the policy;
 - ii. providing advice and guidance to the HRM on all phases of the discipline process, as required;

- iii. consulting with the appropriate Senior Labour Relations Officer on high risk cases, as required.

ANNEXES AND APPENDICES

23.26 The attachments listed below are part of the present policy:

- Discipline Policy – Guide for Managers

23.27 Other applicable policies:

- SNPF Investigation Policy and Annexes