

	SECTION: Human Resources
	POLICY TITLE: Employee Conduct & Performance
ORIGINAL DATE: May 6, 1999	POLICY AREA: Employee Relations
REVISION DATE: October 19, 2023	POLICY NO: HR-3.3
NEXT REVIEW DATE: December, 2027	APPROVED BY: Board Res. 102/23

Policy

Employees' performance and conduct should contribute to the achievement of the organization's goals and objectives. When an employees' conduct or performance is unsatisfactory or fails to meet the employer's expectations, corrective action may be taken using progressive discipline. Serious offences (gross misconduct) may result in immediate suspension or termination.

This policy applies to all employees of the District of Rainy River Services Board, directly or indirectly employed. Where applicable, provisions of respective Staff/Collective Agreements should be considered.

Definitions

Discipline: An action imposed by the employer as a means to alter an employee's inappropriate conduct or poor performance and/or clarify expected conduct or performance.

Employee: An employee of the District of Rainy River Services Board employed either directly or indirectly.

Employer: The District of Rainy River Services Board, a not for profit corporation defined by the *District Social Services Administration Boards Act, R.S.O. 1990, c D. 15* and associated regulations, operating either directly or indirectly as an agent for another corporation as permitted under the Act or Regulations.

Personnel File: The official employer file that contains information relevant to individual employees and their employment. There is only one Personnel file which is retained by Human Resources.

Progressive Discipline: An increase in the severity of disciplinary measures to correct behaviour and to improve an employee's performance and/or conduct to meet the employer's expected standards. The measures may be verbal or written reprimands, suspension or termination.

Examples of behaviour subject to Progressive Discipline include but are not limited to:

- tardiness, failing to report for a scheduled shift;
- absence without leave (AWOL);
- insubordination;
- misuse of work time;
- violation of safety rule or practice;
- reporting for work in an unfit condition either medically or physically;
- engaging in horseplay, wrestling, malicious mischief, distracting the attention of others, or other disorderly conduct;
- carelessness that results in injury to person or property;
- unauthorized posting of material on corporation bulletin boards, property or social media;
- failure to report an accident or personal injury;
- abuse of sick leave privileges;
- unauthorized use of corporate vehicles, equipment or materials;
- failing to maintain appropriate qualifications per job specifications;
- driving a corporate vehicle/rental without an appropriate valid Ontario driver's license.

Major Misconduct: A serious event that may result in immediate suspension or termination and will not be subject to progressive discipline.

Examples of Major misconduct include but are not limited to:

- theft;
- fraud;
- excessive speed that poses a danger to the public or occupants of the vehicle;
- violence in the workplace, threatening, intimidation, coercing or interfering with fellow employees, or supervision at anytime, including the use of abusive language;
- Inflammatory comments, including unprofessional; defamatory; or disparaging remarks made about the organization or its employees, management, elected officials, customers, competitors, partners, or vendors;
- unlawful work stoppage;
- failing to secure vehicles or property;
- falsifying documents;
- gross insubordination;
- wilful negligence in performance of duties;
- failing to maintain qualifications that results in an adverse outcome to the organization or individual being served;
- immoral, unlawful or improper conduct or indecency, including sexual harassment, either on or off the job;
- sleeping during working hours;
- possession, use or sale of narcotics or intoxicating beverages while on duty;
- deliberate misuse, damage or destruction of corporate equipment or property or

the property of any employee.

Off Duty Conduct: Conduct by an employee which may be subject to discipline, including but not limited to, conduct that detrimentally affects the reputation of the employer, including but not limited to social media; renders the employee unable to properly discharge his or her employment obligations; causes other employees to refuse to, or be reluctant to work with that employee; inhibits the ability of the employer to effectively manage and direct its operations; or erodes the employer's trust in the employee to the point that the employment relationship is irreparably damaged.

Steps of Progressive Discipline

In each of the steps of progressive discipline, an employee should be informed of the following:

- a description of the incident(s) including evidence of or the results of any investigation and the date of the incident(s);
- an explanation of why the behaviour is problematic;
- any previous discipline for the same or related conduct or progressive discipline;
- the expectations for performance and conduct;
- any supports available to assist the employee to correct the behaviour; and
- the consequences of failing to correct the undesired behaviour.

Progressive Discipline includes the following steps:

- Verbal reprimand;
- Written Reprimand;
- Three (3) day Suspension;
- Five (5) day Suspension with "Last Chance" Agreement; or
- Termination.

1. Verbal Reprimand

An employee may be verbally reprimanded by a Supervisor/Manager as a mechanism to impose discipline within ten (10) business days of the Supervisor/Manager becoming aware of the incident. The employee will be advised verbally that the reprimand will be recorded on their Personnel file.

2. Written Reprimand

An employee may be issued a written reprimand as a mechanism to impose discipline by the Supervisor/Manager within ten (10) business days becoming aware of the incident.

3. Three (3) Shift Suspension

An employee may be suspended without pay as a mechanism to impose discipline by the Supervisor/Manager in consultation with the CAO or designate. Employees who are suspended without pay are not entitled to receive wages during the period of suspension nor are they permitted to use accumulated leave or overtime. Discipline will be imposed within ten (10) days of the findings of any investigation (formal or informal).

4. Five (5) Shift Suspension with "Last Chance" Agreement

Additional to the requirements identified under a three day (3) day suspension, the employee and corporation will sign an agreement, which identifies the requirements and expectations as identified under the *Steps of Progressive Discipline* as well as the timelines for improvement.

5. Termination

Should the requirements of a "Last Chance Agreement" fail to be fulfilled by the employee within the required timeframe or an additional incident subject to Progressive Discipline occur, the employee will be terminated. All terminations will be approved by the CAO or designate.

Staff required to supervise employees will be trained in the administration of Progressive Discipline upon hire and regularly throughout their career as set by the Human Resources Training Policy & Matrix.

Major Misconduct

Where a major misconduct has been identified, the CAO or designate may impose any of the following:

- Emergency Suspension of the Employee with/without pay (pending an investigation or evaluation of the circumstances);
- Minimum three (3) shift suspension to a maximum of Ten (10) day/shift suspension or Discharge for a first offence, at the discretion of the CAO, dependent on mitigating circumstances;
- Indefinite Suspension without pay; or
- Discharge for second offence within a twelve (12) month period.

Procedure

1. The Supervisor/Manager will identify the behaviour/incident subject to discipline. This step will include a preliminary meeting (face to face or by phone) with the employee to identify any mitigating or aggravating factors. The Supervisor/Manager

will contact Human Resources (HR) in all instances involving an employee.

2. The Supervisor/Manager will determine in consultation with HR whether the behaviour/incident is subject to progressive discipline or a major misconduct.
3. If Progressive Discipline is used, HR will confirm the level of progressive discipline the employee is currently at and determine appropriate discipline for the current situation. The CAO or designate will be consulted prior to any discipline being imposed.
4. The Supervisor/Manager will impose the appropriate level of discipline. All levels of discipline will ensure communication of the principle elements to the employee as identified under Steps of Progressive Discipline as noted above.

Verbal Reprimand – Initiated by the employee's direct Supervisor. The Supervisor must inform the employee that the conversation is an official reprimand under this policy. A record of the date and content of the discipline is prepared by the Supervisor and provided to HR for inclusion in the employee's Personnel file.

Written Reprimand – Initiated by the employee's direct Supervisor. The written reprimand will be in a standard format prepared by HR in consultation with the Supervisor. The reprimand will be provided to the employee with a copy being retained in the employee's Personnel file.

Suspension Three (3) or Five (5) day Suspension with Last Chance Agreement
Initiated by the employee's direct Supervisor. The written suspension and Last Chance Agreement (when applicable) will be in a standard format prepared by HR in consultation with the Supervisor/Manager and CAO. The original will be provided to the employee with a copy being retained in the employee's Personnel file.

Termination – Initiated by Supervisor/Manager in consultation with HR & the CAO or designate. The termination will be provided to the employee and a copy will be retained in the employee's Personnel file.

5. Where a behaviour/incident is identified as a major misconduct, by the Supervisor/Manager/HR or through a formal internal or external investigation, discipline up to and including termination will be initiated by the CAO in consultation with HR and the Supervisor/Manager.

The CAO or designate may impose any of the following:

- Emergency Suspension of the Employee without pay (pending an investigation or

- evaluation of the circumstances);
- Minimum three (3) shift suspension to a maximum of Ten (10) day/shift suspension or Discharge for a first offence, at the discretion of the CAO, dependent on mitigating circumstances;
 - Indefinite Suspension without pay; or
 - Discharge for second offence within a twelve (12) month period.

Additional conditions that represent the interests of the corporation may be imposed at the discretion of the CAO or designate.

Where an employee is terminated, the employee will be escorted from the location immediately maintaining the dignity of the terminated employee by not making obvious to other employees that the employee has been terminated and for what reasons.

Human Resources

Human Resources will remove any written reprimand, suspension or any other sanction (other than discharge) from the record of an employee twenty-four (24) months following the receipt of such letter, suspension or other sanction, provided that such employee's record has been discipline free for one (1) year immediately preceding the removal date; or in accordance with any applicable Collective Agreement or Staff Agreement.