

**Policy and Procedure**

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| Title:               | <b>Progressive Disciplinary Action</b><br><i>(Formerly: Disciplinary Action)</i> |
| Policy Number:       | 05.504   |
| Effective Date:      | March 1, 1995  |
| Revised Date:        | January 10, 2011*  |
| Approving Body:      | President and CEO  |
| Authority:           | CancerCare Manitoba Act  |
| Responsible Officer: | President and CEO  |
| Delegate:            | Manager, Human Resources   |
| Contact:             | Human Resources Department   |
| Applicable to:       | CCMB Administration and Staff  |

1.0 **BACKGROUND:**

Not Applicable

2.0 **PURPOSE:**

To outline CancerCare Manitoba's practice in the discipline of CancerCare Manitoba staff and to specify appropriate communication between management and non-unionized employees on progressive disciplinary matters.

3.0 **DEFINITIONS:**

Not Applicable

4.0 **POLICY:**

CancerCare Manitoba expects all employees to be positive and productive staff members. Should an employee fail to meet these expectations, CancerCare Manitoba will take disciplinary measures, with supports provided to the employee, to modify and correct employee behavior. This corrective approach is based upon a model of progressive discipline.

5.0 **PROCEDURE:**

5.1 Authority

5.1.1 The immediate supervisor has the authority to reprimand an employee verbally and in writing.

5.1.2 The Provincial Director/Chief Officer has the authority to reprimand, suspend, or terminate a portfolio employee.

5.2 Human Resources Requirements

The supervisor/Dept Head/Director consults with the Human Resources Manager prior to initiating a written reprimand, suspension or termination. The following input from Human Resources is required:

5.2.1 To ensure that the terms of the Collective Agreement are being followed.

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- 5.2.2 To ensure that CancerCare Manitoba practice is followed.
- 5.2.3 To limit unnecessary legal actions and negative responses.
- 5.2.4 Correspondence of a disciplinary nature must be reviewed by the Human Resources Manager.

5.3 Indications

Disciplinary action is usually indicated but not limited to the following circumstances:

- 5.3.1 Job performance problems.
- 5.3.2 Insubordination.
- 5.3.3 Unprofessional behavior.
- 5.3.4 A breach of ethics.
- 5.3.5 A breach of CancerCare Manitoba standards, policy or procedure.
- 5.3.6 Serious behavioral infractions.
- 5.3.7 Repeated minor behavioral infractions which have not changed in response to discussion, direction, coaching or counselling.

5.4 Progressive Steps

Disciplinary action normally follows progressive steps involving observation, documentation and communication.

- 5.4.1 In many cases of unacceptable work behavior by an employee, disciplinary action is not required as an initial step. Observation of the incident, discussion and/or coaching by the immediate supervisor may be all that is required to bring about necessary changes in behavior.
- 5.4.2 The progressive measures of disciplinary action are:
  - a. Verbal reprimand/warning
  - b. Written reprimand/warning
  - c. Suspension
  - d. Dismissal
- 5.4.3 When an initial incident is of a serious nature and disciplinary action is required immediately, early progressive steps of verbal reprimand and written reprimand may not apply.

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Bypassing these early steps should be done only after consultation with the Human Resources Manager.

5.4.4 When disciplinary action is being considered, the immediate supervisor should note the behavior or incident, discuss the facts with their supervisor and consult the Human Resources Manager to ensure that the appropriate action is taken.

5.4.5 When it becomes necessary to take disciplinary action, other than a verbal warning, the employee must have a steward or union representative present.

5.5 Verbal Reprimand/Warning

A verbal reprimand or verbal warning is the first step in the progressive discipline process. Minor incidents may be dealt with initially by coaching and counselling; however, if the situation warrants, the immediate supervisor reprimands the employee verbally. The communication of this reprimand takes place at a meeting between the employee and their immediate supervisor away from other staff and preferably as soon as possible after the occurrence of the offending incident.

5.5.1 At the beginning of the interview, the immediate supervisor advises the employee that they are being verbally reprimanded, e.g., "consider this a verbal warning...".

5.5.2 The immediate supervisor explains the following clearly:

- a. What the problem is.
- b. Why it cannot be allowed to continue.
- c. What corrective action is required.
- d. That more severe disciplinary action may be taken if the employee does not correct the behavior within a specified timeframe.

5.5.3 The immediate supervisor promotes the interchange of opinions and concerns but avoids argument.

5.5.4 The immediate supervisor keeps a record of the details of the meeting regarding facts, issues and commitments.

- At this point, this record is not placed on the employee's personnel file.
- It is not necessary to show or give a copy to the employee.

5.5.5 If the problem occurring is of a serious nature, this step in the disciplinary procedure may be bypassed after consultation with the Human Resources Manager.

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5.6 Written Reprimand

If the verbal reprimand(s) does not obtain the required results within the required time, after consulting with the Dept Head/Director, and the Human Resources Manager, the Dept Head/Director may issue a written reprimand. The wording of the written reprimand must be reviewed by the Human Resources Manager prior to providing it to the employee. This step is grievable.

5.6.1 The letter of reprimand includes the following:

- a. It clearly states that it is a written reprimand.
- b. It contains specific and relevant information, dates, times, a description of the unacceptable behavior and corrective action required.
- c. It makes reference to previous verbal reprimand(s) or discussions.
- d. It advises that further disciplinary action may be taken if the employee does not rectify the problem within specific timelines.

5.6.2 Having advised the employee that they have the right to have a steward or representative present for the meeting, the immediate supervisor presents the letter of reprimand to the employee at a meeting held away from other staff.

The employee acknowledges receipt of the letter by signature.

5.6.3 Following acknowledgment of the letter of warning/reprimand, the Dept Head/Director and/or immediate supervisor discuss the steps for corrective action as outlined in the letter, avoiding argument.

5.6.4 The Dept Head/Director records the details of the meeting regarding facts, issues and commitments.

5.6.5 The Dept Head/Director forwards a copy of the letter to the Human Resources Manager for inclusion in the employee's file.

5.6.6 If the problem is sufficiently serious, this step in the disciplinary action may be bypassed after consultation with the Human Resources Manager.

5.7 Suspension Without Pay

Suspension without pay is a disciplinary action which involves the temporary removal of an employee from their employment for a specified period of time without pay. Suspension without pay can also be used to allow time for CancerCare Manitoba to investigate an allegation. This action is grievable.

5.7.1 Whenever possible, prior to making a recommendation to suspend an employee, the Dept Head/Director, immediate supervisor and Human Resources Manager meet with the employee to discuss the situation.

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- a. The supervisor advises the employee that they must have a steward or representative present during the meeting.
- b. This meeting gives the employee adequate opportunity to present and discuss their side of the incident.
- c. This action provides the opportunity to recommend suspension based on full information.

5.7.2 The letter of suspension which is prepared by the Human Resources Manager and signed by the Provincial Director/Chief Officer includes the following:

- a. It advises the employee of the reasons for the suspension, the length of the suspension and the date of return to work.
- b. It identifies conditions and/or behavior that are expected upon the return to work.
- c. It advises that further and more severe disciplinary action may be taken if the problem continues or if further investigation warrants such action.

5.7.3 Having advised the employee that they must have a steward or representative present for the meeting, the Dept Head/Director presents the letter of suspension to the employee and to the steward or representative at a meeting of the Dept Head/Director, immediate supervisor, Human Resources Manager, the steward or representative and the employee.

The employee signs the letter of suspension acknowledging receipt.

5.7.4 The Dept Head/Director forwards a copy of the letter and the Employee Status Form to the Human Resources Manager for inclusion in the employee's file and for payroll purposes.

5.7.5 The Dept Head/Director and immediate supervisor record the details of the meeting regarding facts, issues and commitments.

5.7.6 If the problem is sufficiently serious enough in nature, this step in the disciplinary action may be bypassed after consultation with the Human Resources Manager.

## 5.8 Suspension With Pay

When an allegation has been made against an employee, and Management views the allegation as serious, but has insufficient information to render a decision, the Dept Head/Director, in consultation with the Human Resources Manager, may deny the employee access to the workplace with pay, pending the outcome of an investigation. This step is grievable.

5.8.1 The Human Resources Manager prepares the letter of suspension for the signature of the Provincial Director/Chief Officer. The letter includes the

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following:

- a. It advises the employee of the reason(s) for the investigation;
- b. It outlines the duration and conditions of the suspension with pay;
- c. It indicates that, upon completion of the investigation, management may take appropriate disciplinary action as a result of the investigation.

5.8.2 Having advised the employee that they have the right to have a steward or representative present for the meeting, the Provincial Director/Chief Officer presents the letter of suspension to the employee at a meeting of the Human Resources Manager, Dept Head/Director, immediate supervisor and the employee and representative.

- a. The employee signs the letter of suspension acknowledging receipt.
- b. The Provincial Director/Chief Officer forwards a copy of the signed letter to the Human Resources Manager for inclusion in the employee's file.

5.8.3 The Provincial Director/Chief Officer records the details of the meeting regarding facts, issues and commitments.

Should the employee choose not to have a steward or representative present, this is noted as well.

## 5.9 Dismissal

Dismissal is the final disciplinary measure that is used when corrective measures have failed or are considered inappropriate because of the nature of the offence. Prior to any dismissal the Provincial Director/Chief Officer must consult with the President and CEO and the Human Resources Manager. This step is grievable.

5.9.1 The Provincial Director/Chief Officer communicates dismissal to the employee in the following ways;

- a. Having had the letter of dismissal reviewed by the Chief Human Resources Manager, the Provincial Director/Chief Officer forwards the letter by Registered Mail or hand delivers to the employee.
- b. If an interview takes place, the Provincial Director/Chief Officer records the details of the meeting regarding facts and issues.
- c. A copy of the dismissal letter is forwarded to the Human Resource Manager with the approved Employee Status form for payroll and the employee's file.

5.9.2 Within five (5) working days of date of dismissal, the Human Resource Manager forwards the following to the former employee:

- a. Notification of outstanding pay, pay in lieu of notice (if applicable),

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- and outstanding vacation pay.
- b. An employment insurance record of employment.

6.0 **REFERENCES:**

Refer to current Collective Agreements including CUPE, MNU, and MAHCP.

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| <b>Policy Contact:</b><br>All enquiries relating to this policy should be directed to: |                                     |
| Name:  | Ms. Sherry Dupuis                   |
| Title/Position:  | Manager, Human Resources Department |
| Phone:   |                                     |
| E-mail:  |                                     |
| Address:<br>(if required):   |                                     |

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**DOCUMENTATION**

**Policy Location:**

This document is located (hard and e-copy formats):

- |    |  |
|----|--|
| 1. | The original signed and approved policy is on file in the Executive Office, CCMB |
| 2. | The e-copy is on file in the CCMB Governing Documents Library, SharePoint        |
| 3. |  |

**Revision History:**

| Date       | Version | Status  | Author          | Summary of Changes                                     |
|------------|---------|---|-----------------|--|
| dd/mm/yyyy | #       | Initial, Draft<br>Final<br>Minor/Major revision |                 |  |
| 01/03/1995 | 1       |   |                 |  |
| 10/01/2011 | 2       | Minor revision                                  | HR              |  |
| 23/03/2018 | 2       | Minor Revision                                  | S.Friedenberger | Reformatted into new template; updated position titles |

**Approvals Record:**

This Policy requires approval by:

| Approval | Date | Name / Title  | Signature |
|----------|------|---------------|-----------|
|          |      | Not required. |           |

**FINAL APPROVAL:**

| Date | Name / Title            | Signature |
|------|-------------------------|-----------|
|      | President and CEO, CCMB |           |

*\*April 2018: Next revision pending approval of provincial policy to be adopted by CCMB.*