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Discipline Policy | Human Resource Secretariat

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Policy Statement

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

immediate suspension or termination.

Application

This Policy applies to all employees of Government departments.

Bargaining unit employees should also consult their respective collective agreements and the provisions of the collective agreement shall prevail.

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.

Employer:

The Government of Newfoundland and Labrador, as represented by Treasury Board, which is a committee of the Executive Council responsible for all matters relating to the personnel management in the public service.

Personal file:

The official employer file that contains information relevant to individual employees and their employment. There is only one personal file.

Progressive Discipline:

An increase in severity of disciplinary measures to correct behaviours 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. Serious offences may result in immediate suspension or termination.

Workplace:

The location where employees carry out their work duties. This may include, but is not limited to, office headquarters, work-related social events, external meeting locations, or conference settings.

Responsibilities

Employees

It is the responsibility of employees to:

- ensure they are aware of and fulfill work expectations;
- act in a respectful manner in the performance of their duties and interactions with co-workers, managers, and clients;
- adhere to the employer's policies; and
- be aware that their off-duty conduct may impact their employment relationship.

Managers

It is the responsibility of Managers to:

- advise employees of their expectations for conduct and performance;
- manage employees effectively by providing ongoing feedback on work performance and conduct;
- supervise probationary employees and provide direction on

corrective action during the probationary period;

- administer the Discipline Policy in consultation with the Employment and Labour Relations Division of the Human Resource Secretariat;
- comply with collective agreement provisions when administering discipline to bargaining unit employees; and
- maintain appropriate documentation in the employee's personal file with respect to discipline matters.

Departments

It is the responsibility of Deputy Ministers to:

- ensure this policy is enforced in a fair and consistent manner.

Human Resource Secretariat

It is the responsibility of the Human Resource Secretariat to:

- review and revise the Discipline Policy as appropriate;
- provide policy interpretation and guidance to Human Resource Secretariat divisions and departments;
- provide education and skill development training in the administration of discipline;
- advise and consult with departmental managers in respect of any disciplinary matter; and
- assist managers to ensure appropriate documentation is maintained in employees' personal files.

Progressive Discipline

Progressive discipline is the process of using increasingly serious measures to correct behaviours and to improve an employee's performance and/or conduct. The goal of progressive discipline is to communicate the employer's expectations for performance or conduct; to provide appropriate supports when possible; and to afford the employee with the opportunity to improve his/her performance or conduct.

Depending on the mitigating factors, the Department, in consultation with the Employment and Labour Relations Division, will determine the most appropriate form of disciplinary action in consideration of the employee's performance or misconduct. Serious offences may result in immediate suspension or dismissal without progressing through verbal or written reprimands.

Disciplinary action may be initiated in situations such as, but not limited to, the following:

- if an employee has not satisfactorily met the work requirements;
- if an employee has breached the employer's policies;
- for inappropriate conduct in the workplace; or
- for off duty conduct that has a detrimental impact on the employment relationship.

Discipline should be administered as soon as possible after an incident has occurred. In the event that a workplace investigation is required, this should be completed expeditiously. If discipline is recommended upon the conclusion of an investigation, it should be initiated as soon as possible. For bargaining unit employees, the respective collective agreement provisions, including timelines for discipline and entitlement to have a representative present during

discipline meetings, must be followed.

In situations in which the Department decides that an employee should be removed from the workplace while an investigation is ongoing, the employee would be removed from the workplace and his/her duties with pay.

When an employee has not met his/her work requirements and/or has demonstrated misconduct and the Department's representatives have reason to believe that the employee's actions may be related to a disability as defined in the *Human Rights Act, 2010*, the Department has an obligation to inquire whether that disability is related to the employee's poor performance or conduct.

Off Duty Conduct

The employer may administer discipline to employees for off duty conduct if such conduct:

- detrimentally affects the reputation of the employer;
- 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 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;
- 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.

An employee must be informed by the Manager that he/she is required to attend a meeting regarding discipline. The employee must also be advised that he/she is entitled to be accompanied by a representative of his/her choosing to this meeting.

Written notifications of discipline must be delivered to the employee either in person or by registered or certified mail. The notification would be deemed to be delivered on the date the document was delivered to the person as shown on the confirmation of delivery obtained from Canada Post Corporation or five days following the date that the employer sent the document. For bargaining unit employees, the respective collective agreement provisions must be followed.

Discipline would typically be applied progressively unless the misconduct is of a serious nature that the employer may immediately suspend or terminate the employee. The progressive discipline process normally follows these steps, increasing in severity upon re-occurrences of misconduct or poor performance:

Verbal Reprimand

An employee may be verbally reprimanded by a Manager as a mechanism to impose discipline.

Written Reprimand

An employee may be issued a written reprimand as a mechanism to impose discipline by the Manager. Employees must be notified that a copy of the written reprimand will be placed in their personal file.

Suspension

An employee may be suspended without pay as a mechanism to impose discipline by the Deputy Minister or Manager, in consultation with the Employment and Labour Relations Division.

The written notification of the suspension without pay will be issued by the Deputy Minister or Manager, or the Employment and Labour Relations Division.

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 or receive payment for a statutory holiday that occurs during the suspension period.

When an employee is suspended, leave entitlements will be reduced proportional to the total number of days of suspension in excess of 20 days. The period of suspension over 20 days will not be counted as service for severance pay purposes, but it is not considered to be a break in service.

Termination with cause

When an employee's misconduct or poor performance is sufficiently serious such that the employment relationship is irreparably damaged, the employer may terminate the employment relationship

with cause. For information on termination with cause, please see the [Termination of Employment Policy](#).

Appeals

Any employee who is subject to any disciplinary action will have access to applicable grievance or review procedures. Employees should consult the [Management Dispute Resolution Policy](#).

Personal File

Written notice of disciplinary action must be added to the employee's personal file by the employee's manager in consultation with the Human Resource Service Centre. Any written notice of disciplinary action added to the employee's personal file shall, at the request of the employee, be removed after two years, provided there has not been a recurrence of a similar incident during that period.

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