



Policy 2020.05.05-03
Last Revised: April 17, 2020 – Motion 2020-233

PROGRESSIVE DISCIPLINE POLICY

1. POLICY STATEMENT

- 1.1. The Hamlet of Enterprise (the “Hamlet”) recognizes that discipline, including termination of employment, may be necessary should an Employee’s conduct be incompatible with the Hamlet interests, including an inability or unwillingness to fulfill the requirements of their position or failure to comply with the policies of the Hamlet.

2. PURPOSE

- 2.1. The purpose of this policy is to ensure the rules and regulations for progressive discipline, up to and including termination, are administered consistently in a fair and timely manner.

3. SCOPE

- 3.1. This Policy applies to all Hamlet Employees.
- 3.2. Where a provision exists in an applicable statute that conflicts with this Policy, the provision in the applicable statute shall supersede this Policy

4. DEFINITIONS

- 4.1. “**Hamlet**” means the Hamlet of Enterprise in the Northwest Territories.
- 4.2. “**Demotion**” means a reassignment to a position with a lower pay grade, skill requirement or level of responsibility than the Employee’s current position.
- 4.3. “**Employee**” means any person hired by the Hamlet of Enterprise to perform a set of duties in a specific position, either on a casual, part-time, fixed-term or indeterminate basis.
- 4.4. “**Personnel File**” is a confidential file of an Employee that is held by the Senior Administrative Officer.
- 4.5. “**Just Cause**” means Misconduct of an Employee or some other improper Employee conduct which constitutes sufficient grounds to terminate employment without notice.
- 4.6. “**Misconduct**” means a violation of the Hamlet’s policies, procedures, practices and guidelines or any criminal activity, defiance of authority or refusal to obey direction from the Senior Administrative Officer or a supervisor that are consistent with Hamlet policies applicable legislation or any other failure of the Employee to perform their expected duties or comply with the Hamlet’s interests.
- 4.7. “**Request for Review**” is a written letter from the Employee requesting reconsideration of a disciplinary decision or action.

5. GUIDELINES

5.1. RESPONSIBILITIES

5.1.1. Employees

- a. An Employee must:
 - i. act in accordance with Hamlet's policies, procedures, and performance standards;
 - ii. actively work to improve any performance or behavioural issues once identified;
 - iii. comply with any disciplinary actions that have been implemented for any violations and
 - iv. advise the Hamlet of any reason which makes it difficult or impossible for the Employee to comply with the Hamlet's expectations prior to breaching those expectations so that the Hamlet may consider its legal obligation to accommodate the Employee.

5.1.2. Senior Administrative Officer

- a. The Senior Administrative Officer must:
 - i. understand the Progressive Discipline Policy
 - ii. address performance or behavioural issues once identified;
 - iii. ensure all performance and disciplinary related conversations are conducted in private and remain confidential;
 - iv. ensure proper and accurate performance and disciplinary related documentation is recorded in the Employee's Personnel File;
 - v. ensure that the Hamlet's standards of conduct are applied consistently and without discrimination among Employees;
 - vi. ensure that a fair and objective investigation has been conducted into an Employee's alleged misconduct;
 - vii. ensure any disciplinary action to be taken is proportionate to the Employee's misconduct, with regards to the nature of the misconduct, the impact of the misconduct on the Hamlet, the Employee's disciplinary history and other relevant factors; and
 - viii. ensure disciplinary actions have been implemented.

5.2. PROGRESSIVE DISCIPLINE

5.2.1. Progressive discipline is corrective in nature and will be used in most cases where there is Misconduct. The seriousness of the Misconduct will determine the nature and severity of the disciplinary action applied.

5.2.2. Misconduct that warrants disciplinary action includes, but is not limited to, the following:

- a. abandonment of position;
- b. breach of Hamlet policies and procedures;
- c. harassment or discrimination;
- d. breach of Hamlet's Code of Conduct;
- e. insubordination or disobedience;
- f. intoxication;
- g. retaliation;
- h. tardiness or absenteeism;
- i. theft, fraud, dishonesty;
- j. unacceptable work performance, misadministration, mismanagement; and
- k. unsafe work practices.

5.2.3. The stages for progressive discipline may include any or all of the following:

- a. verbal warning;
- b. letter of reprimand;
- c. suspension without pay; and
- d. termination of employment with cause.

5.2.4. All stages of progressive discipline are to be documented in the Employee's Personnel File.

5.2.5. Copies of performance related documentation will be provided to the Employee. All originals will be kept in the Employee's Personnel File.

5.3. TERMINATION OF EMPLOYMENT

5.3.1. Termination of employment will be administered in accordance with the applicable Hamlet policies, employment agreements, and relevant legislation.

5.4. ACCOMMODATION

5.4.1. Nothing in this Policy contradicts any obligation on the Hamlet to accommodate an employee where required by the Northwest Territories' *Human Rights Act*. The Hamlet will not discriminate against any Employee in violation of section 5 of the Northwest Territories *Human Rights Act* except as permitted by that legislation.

6. ATTACHMENTS

N/A

7. REFERENCES

N/A