



Employment, Discipline

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This Fact Sheet covers the discipline of employees.

Progressive discipline is an important issue for employer's legal compliance. Documenting disciplinary action may allow an employer to avoid an Employment Standards complaint or other litigation. Employees are disciplined for both performance and behavioural issues:

- A performance issue is something that relates to the ability to perform the duties of a position. Poor performance issues can result from incompetence (lacking skills and abilities) and poor time management. For example, failing to meet assigned deadlines is a performance issue.
- Behavioural issues are not confined to the ability to perform the specific duties of a position. These issues include larger workplace issues like misconduct and rule-breaking. For example, consistently being late for work and workplace intoxication are behavioural issues.

Best practice is to have a discipline policy to address employee performance and behavioural issues. A discipline policy outlines the steps to follow in an attempt to modify poor performance or problematic behaviour. Issues requiring discipline are an important part of performance management. As such, the need for discipline typically arises out of a performance review.

A good discipline policy includes progressive steps to address job performance or conduct problems. For example, a common first step in a discipline policy is a written warning to improve performance or correct a behaviour.

Discipline should only be used for culpable misconduct. Culpable misconduct is inappropriate and deliberate behaviour that violates the employment relationship. The behaviour must be intentional and the employee at fault. For example, an employee who calls in sick when they are not, is acting intentionally.

Employers must ensure that discipline is fair and unbiased. Human rights law forbids discrimination (unfair treatment based on a personal characteristic) in employment at all stages, including discipline.