

This fact sheet provides information for Public Health Ontario (PHO) members regarding discipline in the workplace and related provisions contained within your Collective Agreement.

For further information, you may refer to the following articles of the Collective Agreement available on our website:

Article 7 - Employee Right to Representation
Article 19 - Discipline and Discharge,
Article 20 - Personnel Files and Disciplinary Records

Right to Just Cause and Progressive Discipline

In disciplining employees, the Employer must follow the rules of just cause and “progressive discipline”. This means that the Employer must first determine that an employee has done something that warrants discipline (just cause), and then attempt to correct the behaviour through lesser forms of discipline before progressing to more severe forms discipline.

In cases of serious misconduct in the workplace, such as violent assault or theft, the Employer may have the right to discharge you from your employment without progressive discipline.

The Discipline Process

Throughout the discipline process, AMAPCEO recommends that you contact a trained Workplace Representative to assist you.

As per article 7 of the Collective Agreement, you have the right to be accompanied and represented by an AMAPCEO Workplace Representative if you are requested to meet with the Employer for disciplinary purposes or to investigate matters which may result in disciplinary action. The Employer is obligated to tell you of your right to representation in advance such a meeting.

Most Employers typically go through the following process steps:

1. Investigation and Fact-Finding:

Your Employer will usually investigate any allegations of misconduct and in doing so, may invite you to a meeting regarding your alleged misconduct. Depending on the

seriousness of the allegations, there may be more than one investigation or fact-finding meeting.

Please note the Employer may suspend you with pay pending an investigation on allegations of serious misconduct.

2. Mitigating Factors

In most cases you will have the opportunity to present any mitigating factors that you would like your Employer to consider in assessing the discipline to be imposed, such as:

- lack of any prior discipline;
- satisfactory work performance;
- length of service;
- if the misconduct was premeditated or impulsive;
- demonstration of remorse for the misconduct;
- if any serious harm was done;
- an illness (including addiction or mental health) that might have a link to the misconduct; and
- the likelihood of recurrence of the misconduct or the rehabilitative prospect.

3. Discipline Imposed:

In this final stage your Employer will inform you of the discipline that will be imposed. You should receive this decision in writing, a copy of which will be placed in your personnel file.

Forms of Progressive Discipline

Letter of Counsel:

A letter detailing your misconduct and the manager's expectations for corrective action that will not be placed in your personnel file. A letter of counsel is more of informal warning, and as such is not considered disciplinary.

Verbal Reprimand:

Your manager meets with you and verbally states their expectations for corrective action going forward, and warns you that any further misconduct could result in more severe forms of discipline. Normally this is the first level of discipline imposed for minor workplace misconduct.

Letter of Reprimand (i.e. a written warning):

A letter of Reprimand will detail the nature of the misconduct, and the manager's expectations for corrective action going forward. The Employer will place the letter in your personnel file and may rely upon it later to justify more severe penalties if further misconduct occurs.

Unpaid Suspension:

An unpaid suspension can range from 1 day to multiple days. Your manager will also give you a formal letter of discipline indicating that you have been suspended without pay and your manager's expectations or corrective action going forward. The Employer will place the letter in your personnel file and may rely upon it later to justify a more severe penalties if further misconduct occurs.

Discharge:

The final step in discipline and will only be imposed if the misconduct is so serious as to sever your employment relationship, or when prior attempts at corrective measures and progressive discipline have proven unsuccessful and the employee has shown no rehabilitative potential.

Disputing Disciplinary Action

If you believe that you have been disciplined without just cause or in a manner inconsistent with progressive discipline, you can work with your Workplace Representative in requesting AMAPCEO file a dispute on your behalf.

Personnel Files and Disciplinary Records

If you are disciplined, the Employer will place a record of its disciplinary action in your personnel file. You have the right to include your own explanation as an attachment to the disciplinary letter.

All disciplinary letters and records must be removed from your personnel file after 3 years, provided your record has remained clear of similar offenses.

Questions?

Please direct any questions to an AMAPCEO PHO [Workplace Representative](#). A complete list of Workplace Representatives can be found on the AMAPCEO website at www.amapceo.on.ca