

Employee Discipline

This fact sheet provides information for Office of the Provincial Advocate for Children and Youth (OPACY) members on the disciplinary articles contained within your 2014-2018 Collective Agreement. In disciplining employees, the Employer must follow the rules laid out in the collective agreement.

Right to Representation

Under Article 7 of the OPACY AMAPCEO Collective Agreement, you have a right to be accompanied by and represented by an Association representative when an Employer representative intends to meet with you for disciplinary purposes to investigate matters, which may result in discipline for a formal counselling session regarding unsatisfactory performance or behavior, or for termination of employment. The collective agreement includes time lines for the scheduling of such meetings.

See AMAPCEO's OPACY Fact sheet on Right to Representation for more information.

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

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 you have done something that warrants discipline (just cause) and then attempt to correct the behavior through lesser forms of discipline, before progressing to more severe discipline.

In cases of serious misconduct in the workplace, such as assault or theft, the Employer may have the right to discharge you from your employment without progressive discipline. (See Article 20)

In most cases you will have the opportunity to present any mitigating factors that you would like your manager to consider in assessing the discipline to be imposed.

Examples of possible mitigating factors include:

- Prior discipline received;
- Satisfactory work performance;
- Length of service

- If misconduct was premeditated or impulsive;
- Demonstration of remorse for the misconduct;
- If any serious harm was done;
- An illness (including addiction) that might have a link to the misconduct; and
- The likelihood of recurrence of the misconduct or the rehabilitative prospect.

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 that AMAPCEO files a dispute on your behalf.

Personnel Files and Disciplinary Records

If you are disciplined, the Employer will place a record of the 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 three years, provided your record has remained clear of similar offences. (See Article 21)

Questions?

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