BY-LAW NO: 23-12

Being a bylaw to adopt the Employee Discipline Policy for The Corporation of the Township of The North Shore

WHEREAS Section 5(1) of the Municipal Act S.O. 2001, c.25, as amended, grants that the powers of a municipality shall be exercised by its Council;

AND WHEREAS Section 5(3) of the Municipal Act 2001 S.O. 2001, c.25, as amended, provides that a municipal power, including a municipality's capacity, rights, powers and privileges under section 9, shall be exercised by by-law unless the municipality is specifically authorized to do otherwise;

AND WHEREAS Section 5(4) subsections (1) to (3) of the Municipal Act S.O. 2001, c.25, as amended, apply to all municipal powers, whether conferred by this Act or otherwise;

AND WHEREAS the Council of the Corporation of the Township of the North Shore deems it appropriate to adopt an Employee Discipline Policy;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF THE NORTH SHORE HEREBY ENACTS AS FOLLOWS:

1. That the Employee Discipline Policy attached hereto as Schedule "A" be adopted.

2. That the Employee Discipline Policy "Discipline Notice" attached hereto as Schedule "B" be adopted.

3. That Schedules "A" & "B" be declared to form part of this by-law.

4. This by-law shall come into force and take effect on the date of passing thereof and its short title is "Employee Discipline Policy By-Law".

READ A FIRST, SECOND AND THIRD TIME, ENACTED AND FINALLY PASSED THIS 15th DAY OF FEBRUARY, 2023.

Tony Moor, Mayor

Rachel Jean Schneider, Clerk

The Corporation of the Township of The North Shore
P.O. Box 108, 1385 Highway 17
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Schedule "A"

THE CORPORATION OF THE TOWNSHIP OF THE NORTH SHORE

POLICY MANUAL

POLICY TITLE:	SUBJECT:
Employee Discipline	Progressive Discipline System
POLICY SECTION:	POLICY NO:
D	3
EFFECTIVE DATE: June 15, 2019	ENACTED BY:
AMENDED - January 4 2023	Resolution, By-Law 23-12

Purpose:

To establish a system to prevent workplace problems, correct employee behaviour and bring it within acceptable workplace standards.

Policy:

1. General

(1.1) If you violate our policies, you will be subjected to discipline or termination.

(1.2) Employee performance and behaviour is expected to contribute toward the achievement of the organization's goals and objectives. When an employee's performance or behaviour is unsatisfactory, corrective action must be taken. Corrective action will follow the process of progressive discipline when the situation is a result of inappropriate behaviour or unsatisfactory performance when the employee has the ability to perform at an acceptable level but chooses not to do so.

(1.3) The progression of disciplinary measures for the Township of The North Shore is as follows:

1. Verbal warning
2. Written reprimand
3. One day suspension, then five day suspension
4. Dismissal.

(1.4) Incidents of serious misconduct (such as assault, theft or serious insubordination) may warrant serious disciplinary measures, and steps of the progressive discipline process may be by-passed on the advice of Legal counsel. Misconduct that occurs early in the employment, and/or occurs in a short period of employment is viewed as serious misconduct.

2. Disciplinary Measures

(2.1) Disciplinary action should only be taken after an employee has an opportunity to provide an explanation of his/her behaviour. A meeting should be held with the employee for this purpose.

In determining the appropriate disciplinary step to address an employee's misconduct, the supervisor should consider factors including:

- the employee's length of service
- the employee's past discipline record
- the seriousness of the misconduct
- the employee's explanation
- any other pertinent facts

(2.2) Our disciplinary procedures include:

1. Verbal Warning – The warning must be given in private by the employee's immediate supervisor, however, the employee may choose to have a second staff member present during the verbal warning and must address the area of concern including the possible outcome if the behaviour is not corrected. The supervisor will identify the gap between the desired behaviour and the problematic behaviour. The employee is given an opportunity to provide his or her version of the events. The supervisor is to record the discussion that took place on the "Discipline Notice" form, as they may be needed if it is necessary to move on to the next step. The supervisor and the employee are to sign the "Discipline Notice" form and a copy will be provided to the employee. If the employee refuses to sign the "Discipline Notice", this will be noted on the form and a copy will be provided to the employee. The supervisor's copy of the "Discipline Notice" is kept in the employee's personnel file.

2. Written reprimand - The reprimand must be given in private by the employee's immediate supervisor, however, the employee may choose to have a second staff member present during the verbal reprimand. The supervisor schedules a meeting with the employee to discuss the problem. The supervisor will verbally identify the gap between the desired behaviour and the problematic behaviour. The employee is given an opportunity to provide his or her version of the events. The supervisor is to record the discussion that took place on the "Discipline Notice" form, as they may be needed if it is necessary to move on to the next step. The supervisor and the employee are to sign the "Discipline Notice" form and a copy will be provided to the employee. If the employee refuses to sign the "Discipline Notice", this will be noted on the form and a copy will be provided to the employee. A letter explaining and acknowledging the discussion should be given to the employee in private and a copy is placed in the employee's personnel file. The letter should include actions that may be taken if the inappropriate behaviour continues.

3. Suspension without pay - The supervisor considers the recommendation for suspension after looking into the matter and discussing the problem with the employee. The supervisor is to record the discussion that took place on the "Discipline Notice" form, as they may be needed if it is necessary to move on to the next step. The supervisor and the employee are to sign the "Discipline Notice" form and a copy will be provided to the employee. If the employee refuses to sign the "Discipline Notice", this will be noted on the form and a copy will be provided to the employee. A letter explaining and acknowledging the discussion should be given to the employee in private and a copy is placed in the employee's personnel file. The letter should include details regarding the employee's suspension, including the start date and the date they are expected to return to work.

   Suspensions are applied progressively but should be appropriate to the seriousness of the misconduct. The first suspension is for one day. If this does not correct the behaviour and repetition occurs, the next incident would result in a five-day suspension. After a five-day suspension, dismissal would be considered.

   a. Possible reasons for suspensions may include
      i. Continued Ongoing insubordination
      ii. Active investigations
      iii. Consulting with Legal Counsel

4. Dismissal - The supervisor makes a recommendation for dismissal after looking into the matter and hearing the employee's explanation. At this point, Legal Counsel will need to be consulted if this process has not already been started. A letter of dismissal will be presented to the employee. The letter of dismissal should clearly state the reasons for the dismissal, why further employment cannot continue, and that dismissal of the said position is effective immediately. A copy of the dismissal letter will be held in the employee's personnel file.

(2.3) All discipline includes:

- an explanation of the behaviour for which the employee is being reprimanded
- an explanation of how to correct the behaviour
- an explanation of further action that will be taken if the employee fails to correct the behaviour
- an explanation to the employee that all disciplinary letters, including reprimands and suspensions, are placed on the employee's personnel file.

(2.4) A copy of our "Discipline Notice" form is included in the forms section of this employee policy handbook.

Schedule "B"

The Corporation of The Township of The North Shore
Discipline Notice

Employee's Name:	Position:
Description of Incident:	
Previous Discipline Given: ☐ Verbal Warning ☐ Written Warning ☐ Suspension – 1 day ☐ Suspension – 5 days	
Disciplinary Action: ☐ Verbal Warning ☐ Written Warning ☐ Suspension – 1 day ☐ Suspension – 5 days	
Reasons:	
Employee Comments:	
Next Level of Discipline for Repeat Infractions: ☐ Written Warning ☐ Suspension – 1 day ☐ Suspension – 5 days ☐ Dismissal	
Clerk's Signature:	Date Signed:
Employee's Acknowledgement of Receipt:	Date Signed: