



RURAL MUNICIPALITY OF ABERDEEN NO. 373			
Policy Title Progressive Discipline Policy		Adopted By Council Resolution /23	
Origin/Authority RM Council	Jurisdiction RM of Aberdeen No. 373	Effective Date 2023-09-14	Page # 1

PURPOSE:

The purpose of this policy is to ensure that RM of Aberdeen No 373 staff know the standard of conduct expected by Council, and to ensure staff are treated fairly by Council. The progressive discipline policy provides the framework intended to correct unsatisfactory performance, prevent re-occurrence and to support the employee to satisfactory performance in the future. Discipline is intended to be fair, predictable, and consistent.

STANDARD:

- a. The RM of Aberdeen No 373 expects staff to conduct themselves in a manner that promotes cooperation, excellence, and integrity, and supports community trust.
- b. Further, employees are expected to conduct themselves according to all relevant legislation including labour standards, human rights legislation and occupational health and safety.
- c. Supervisory staff are expected to identify any incidents of misconduct as they occur. It is anticipated most corrections can be handled as part of ordinary operations, without the need for formal discipline. There are circumstances however where discipline is appropriate, and when they occur, the progressive discipline policy becomes the guide.

LEGAL FRAMEWORK:

This policy focuses upon the rights and obligations set out in the Government of Canada Progressive Discipline outline located here:

<https://www.canada.ca/en/employment-social-development/services/labour-standards/reports/discipline.html>

GROUNDS FOR ACTION:

When the circumstances allow it, Council will follow the progressive discipline policy in a step-by-step manner. Each level of discipline is documented on the appropriate form as it occurs. The form is copied, and a copy is:

- a. Retained for the employee file
- b. Provided to the employee

Because each incident is unique, Council has the responsibility to treat each incident individually—without implying a precedent or set course of action for future incidents.

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This policy is not intended to limit the appropriate action called for when misconduct is severe. Degrees of discipline shall be considered in relation to the problem at hand. Council may, if the situation warrants, go immediately to dismissal. Criminal charges for illegal activity should be expected and does not require the step-by-step process associated with a typical progressive discipline process.

Council may modify suggested penalties based on extenuating circumstances. These are guidelines.

Progressive Discipline Includes:

- a. Documented Verbal Warning
- b. Written Warning with Documented Improvement Plan
- c. Final Written Warning
- d. Termination

GROUNDS FOR ACTION LEVEL 1:

A level one ground for action can be described as those seemingly small incidents when taken alone. However, when occurring often or when there are multiple offenses, level one offenses pose a serious risk to staff moral, and the intended function of Council. As such, appropriate discipline could include any of the progressive discipline steps.

Examples of a level one offense are:

- a. Inappropriate comments or conduct towards co-workers, Council, or members of the public.
- b. Malicious gossip either in person or on social media.
- c. Failure of operators to maintain vehicles, equipment or workspaces in clean condition and in good repair.
- d. Being absent without notification.
- e. Violation of a safety rule or practice.
- f. Reporting for work while unfit for duty for any reason.
- g. Inflammatory, divisive, or rude comments.
- h. Inappropriate comments pertaining to race, religion, disability, gender, or ethnicity.
- i. Creating or contributing to unsafe and unsanitary conditions in any of the RM-owned facilities.
- j. Failure to comply with OH&S, Labour Standards, or Human Rights Standards, and the RM of Aberdeen No 373's Municipal Policy Manuals.
- k. Failure to complete a pre-trip inspection on vehicles or equipment, and perform an engine warm up (15 minutes minimum).

GROUNDS FOR ACTION LEVEL 2:

A level 2 grounds for action can be described as a more serious violation and as such, has a more serious consequence and can include a suspension without pay for up to 2 days. Examples of a level 2 offense include but are not limited to:

- a. Reporting to work while under the influence of alcohol or drugs
- b. Carelessness resulting in damage to materials, equipment, or property.
- c. Failure to report an accident or injury occurring on the job.
- d. Abuse of leave privileges or falsification of records.
- e. Unauthorized use of municipal vehicles or equipment.



- f. Driving a motor vehicle while on duty without a valid Sask. Driver's license
- g. Failure to report a loss or suspension of driver's license when it is an employee who is required to drive as part of their normal duties.
- h. Refusal to perform work as assigned unless the reason for refusal is the right to refuse unsafe work.
- i. Violation of safety rules or a safety practice that has the potential to endanger the safety of employees, contractors, or visitors.
- j. Breach of confidentiality per the requirements of LAFOIP.
- k. Disorderly conduct including but not limited to: Abuse either physical, sexual, or emotional directed towards co-workers, Council, or members of the public
- l. Falling asleep while on the job.

GROUNDS FOR ACTION LEVEL 3:

A level 3 grounds for action is expected to result in immediate termination, following the process prescribed by Labour Standards. Examples of a level 3 offense include but are not limited to:

- a. Deliberate damage or destruction of municipal property, employee property, or Council property.
- b. Falsification of personnel or municipal records.
- c. Making any false claims or misrepresentations to obtain accident benefits, disability insurance, WCB or unemployment compensation for themselves or others.
- d. Theft or removal from municipal locations any property belonging to the municipality without appropriate authorization.
- e. Conviction of a crime may be considered as a level 3 misconduct if the conviction impacts the community's ability to trust the employee.
- f. The use and/or sale of narcotics, marijuana, or alcohol when on duty and when required to run equipment.
- g. Being absent for 3 days without notification.
- m. Failure to return to work from an authorized leave.

RESPONSIBILITIES

Council:

Council is expected to apply the progressive discipline policy fairly, and in keeping with all other policies and procedures and legislature. Council is expected to provide all employees with training to know the expected code of conduct, and to advise them of the progressive discipline policy.

Supervisory Personnel:

Supervisory personnel are expected to identify any incidents of misconduct and address these as they occur. It is anticipated that most incidents can be corrected at this stage without the need for formal discipline.

Employees:

Employees are expected to learn and know the conduct expected of them, and to understand the consequences of willfully ignoring the standards.



Employees are also expected to comply with the Code of Conduct. Employees have a responsibility to request an interpretation of the Code of Conduct from the Chief Administrative Officer or Employee Relations Committee if they are unsure whether their behaviour, circumstances, or interest contravene the Code.

Residents:

The residents of the RM of Aberdeen No 373 are expected and encouraged by administration and Council to report any grounds for action through the normal protocol of a signed complaint.

PROCEDURES:

Employees will be given four formal opportunities to correct the unwanted behavior, unless the behavior or concern is one of a severe nature, in which case, progressive discipline can be accelerated to match the violation. Typically, progressive discipline will progress through the following steps:

Documented Verbal Warning:

The supervising personnel(s) will meet with the employee. During the meeting the supervisor provides:

- a. A verbal explanation of the expected behavior as per the policy or the code
- b. A clear explanation of the violation and expected correction
- c. The consequences should the behavior remain uncorrected
- d. An agreement for follow up is reached
- e. A verbal reprimand form is signed by both the employer/supervisor and the employee
- f. The RM maintains a copy of the form in the employee file
- g. The employee receives a copy
- h. If no further problem occurs, no further action is expected.

Written Warning with Documented Improvement Plan:

If the documented verbal warning did not have the desired impact, the immediate supervisor, the Chief Administrative Officer and a representative(s) of Council from the Employees Relations Committee are required to meet with the employee. One of those present keeps notes. At that meeting, the representative of Council:

- a. Explains to the employee why the meeting was called and states the specific problem.
- b. Reviews the steps that have already been taken, and what the next steps will be.
- c. Gives the employee the opportunity to tell his/her side of the story and includes the explanation in the notes of the meeting.
- d. Forms become part of the employee file.



Final Written Warning with Documented Improvement Plan:

If the written warning did not have the desired impact, the immediate supervisor, the Chief Administrative Officer and a representative(s) of Council from the Employee Relations Committee are required to meet again with the employee. One of those present keeps notes. At that meeting, the representative of Council:

- a. Explains to the employee why the meeting was called and states the specific problem.
- b. Reviews the steps that have already been taken, and what the next steps will be.
- c. Gives the employee the opportunity to tell his/her side of the story and includes the explanation in the notes of the meeting.
- d. Forms become part of the employee file.
- e. If corrective action through the formal warning process is not successful at correcting the behavior, the employee may be suspended or terminated.

All formal warnings will be kept on file for a period of 12 months. If no further discipline happens within the time period, the warning will become inactive.

Termination:

The final stage of progressive discipline is termination of employment. Termination of employment with the R.M. may occur following an employee committing multiple violations of company policies, programs, and procedures; after the logical steps for progressive disciplinary action have been taken; or immediately following a severe Level 3 violation.

Protection Against Retaliation

Retaliation against any individual who has or may file a complaint, provide information relevant to a complaint, or testify in a proceeding under The Saskatchewan Human Rights Code is against the law and will not be tolerated by the RM of Aberdeen No 373.

Investigation and Documentation

All violations or alleged violations will be properly investigated and documented by the Foreman, Chief Administrative Officer and Employee Relations Committee. All formal measures that have been taken within the progressive discipline process will be documented and kept in the employee's personnel file. These personnel files will be kept in accordance with the Record Retention Bylaw for the RM of Aberdeen No. 373.

All meetings, discussions and steps taken in a mediation or investigation with respect to the progressive discipline will be documented. Documents relating to a complaint will be kept in a secure location.

Appeal Process

Within 15 days of receiving a formal discipline, any employee reserves the right to dispute any violation of this policy to council, by request to the Chief Administrative Officer or Reeve. The Chief Administrative Officer or Reeve will be tasked with bringing the appeal before council for a formal review. Council may at its discretion refer the appeal to an outside agency.

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APPLICABLE TO:

This policy applies to Council, administration and employees at all levels, applicants, and candidates for employment.

Work-related conferences, business trips, social functions, contract sites, and job interviews are all examples of when this policy applies.

The Occupational Health and Safety Act, 1993 states that workplace harassment can arise outside of a worker's place of employment. It includes harassment directed at a worker at home or away from home if the harassment occurs with respect to any matter or circumstance arising out of the worker's employment. In the event of harassment outside of work arising from the worker's employment, the progressive discipline policy may still be applied.