

## Policy Title: Discipline - Employees

Category:	<input type="checkbox"/> Institutional - Board <input type="checkbox"/> Academic - Administrative <input type="checkbox"/> Institutional - Administrative <input checked="" type="checkbox"/> Employment - Administrative		
Approved by:	<input type="checkbox"/> Board <input checked="" type="checkbox"/> President		
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Policy Sponsor:	Vice President, Administration and Finance	Date last reviewed:	March 10, 2022
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### 1. POLICY

1. CMCC is committed to promoting healthy employee relations and aims to ensure that proper channels exist through which concerns related to the employment relationship may be resolved in a prompt and equitable manner.
2. CMCC reserves the right to take appropriate disciplinary action when an employee is in breach of policy.
3. The procedures for handling a breach of policy reflect the gravity with which CMCC views such offences, while maintaining an employee's right to fairness and due process.
4. Assessing the gravity of an offence will not only include the alleged offence itself, but consideration may also be given to such factors as the frequency of the offence, the employee's prior discipline history, and the impact of the offence on others, the institution, its members, its reputation, chiropractic profession, and other such factors as may be considered to be relevant.
5. Where the alleged breach of policy presents or has the potential to present a threat of harm or violence to any member of the CMCC community or to property, the institution reserves the right to impose interim measures to ensure the safety and security of all members of the institutional community. These measures may include, but are not limited to:

- a. the temporary suspension or removal of the employee from any or all of: work activities, academic or social programs, the campus or other CMCC locations, and other institutionally sanctioned activities.
  - b. limiting or restricting access to programs, facilities and resources, including but not limited to email and CMCC networks, and/or
  - c. other temporary measures as deemed necessary by CMCC.
6. Interim measures deemed necessary to be instituted shall be communicated by the Director, Human Resources. Interim measures shall be in place pending an investigation into the discipline matter and its eventual resolution, or until such time suitability to return to the institution no longer presents a threat.
7. Any individual who expresses concerns, lodges a formal complaint or provides information regarding a complaint may do so without fear of retaliation or reprisal. Any such response of retaliation or reprisal will be subject to immediate corrective action.
8. Issues or concerns of harassment, bullying, intimidation, and/or violence are covered under two separate policies – the *Sexual Violence, Assault and Harassment Policy*, and the *Workplace Violence and Harassment Policy*. Any such conduct or alleged conduct will follow the procedures outlined in these policies.
9. In matters where there are allegations of disruptive or threatening behavior on the part of an employee, including but not limited to assault, vandalism, theft and similar behavior, CMCC reserves the right to contact and/or refer the matter to the police.
10. CMCC retains absolute discretion as to the dissemination of all or a portion of the information relating to disciplinary actions and relevant decisions.

## **2. PURPOSE**

To ensure employees have the opportunity to correct any behavioral issues that may arise, CMCC has established a set of reasonable rules and guidelines to follow that take into consideration the safety and the overall protection of CMCC employees, property, and business practices.

## **3. SCOPE**

All CMCC employees. Union employees are governed by the terms of the Collective Agreement where applicable.

## **4. INFORMATION AND COMPLIANCE PLANS (not a comprehensive list)**

- *Accessibility for Ontarians with Disabilities Act*

- *Bill 168 Occupational Health and Safety Amendment Act (Violence and Harassment in the Workplace)*
- *Canadian Human Rights Act*
- CMCC RETURN TO CAMPUS PLAYBOOK as amended from time to time

This policy is intended to work in concert with a number of CMCC policies governing employee behavior.

## **5. RELATED POLICIES (not a comprehensive list)**

- CMCC Code of Conduct
- CMCC Employee Confidential Agreement
- Collective Agreement between CMCC and CUPE Local 4773
- Dispute Resolution
- Diversity and Equal Opportunity
- Sexual Violence, Assault and Harassment
- Substance Abuse and Impairment
- Workplace Violence and Harassment

## **6. DEFINITIONS**

A complainant is an individual who has made a complaint about another individual.

Discipline refers to the actions or conditions imposed on employees for failure to follow institution policies, rules and standards. Disciplinary actions are imposed to either correct or prevent behaviors that are detrimental to the institution.

An employee is an individual who is hired by CMCC and paid directly through CMCC's payroll and does not include those working for an Agency or as independent contractors.

Investigation is a process whereby the Employer examines and makes inquiries into allegations of misconduct brought forward by a complainant. These may be complaints under government human rights and harassment codes, including discrimination, harassment, bullying and violence, or violations of employer policies. Investigations are conducted when there is credible information there may have been significant wrongdoing, misconduct or ethical lapses. In an investigation, the aim is not only to find out what is alleged to have occurred, but also endeavors to make a finding as to whether it occurred as alleged. Investigations can be conducted internally or via a Third-Party Investigator retained by the employer.

Progressive Discipline is a process for dealing with job-related behavior that does not meet expected and communicated performance standards. The primary purpose of progressive discipline is to assist the employee to understand that a performance problem, or an opportunity for improvement of a performance problem exists.

Progressive Discipline features a series of increasing or escalated efforts to give employees time to either correct their professional conduct or experience fair consequences.

Informal step - the first step in the process whereby a conversation between management and the employee is held in order to share information/fact-finding on performance or behavior that does not meet standards.

Formal steps - In the event further intervention is needed to improve employee performance or behavior, management may take formal steps which include documentation of all discussions and any action plan agreed to with the employee

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-----**END OF POLICY**-----

## **7. PROCEDURES**

In the event that an employee violates CMCC policy a system of progressive discipline shall be utilized.

### Progressive Discipline Process

1. Progressive Discipline can be issued on any of attendance, behaviour, conduct, health and safety or performance concerns.
2. Employees will be given 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.
3. Timing between steps in progressive discipline is dependent on the circumstances and collaboratively agreed to as well as noted in any plan of action that may be developed
4. Typically, progressive discipline will progress through the following steps:

#### Informal Resolution

- a. A pro-active approach between manager and employee who upon becoming aware of an issue, come together to discuss and find out the facts of the concern.
- b. If/when required, mutually agreed actions can be made to address proactive steps to avoid concerns moving forward.
- c. Resolution of concerns can be concluded at this step.

- d. Email correspondence reiterating what was discussed is sent to ensure all parties agree on any proactive steps or resolution of concerns.

However, should the concern continue, progressive discipline will progress to

Formal steps of warning:

Formal Resolution

- a. Verbal Warning
  - b. Written Warning
  - c. Final Written Warning with Possible Suspension
  - d. Termination
5. With each violation or apparent problem, the employee will be provided with a written document to:
    - alert them to the problem, provide a reiteration of the correct CMCC policy regarding the violation
    - advise them of the consequences associated with further infractions, and
    - provide a suggestion(s) towards a method of improvement when necessary
  6. All formal warnings will be kept on file. If further offences relating to the issue have taken place, the warning will be attached to the next set of progressive disciplinary actions; and subject to the terms of the Collective Agreement if/when applicable. If an informal discussion had taken place, the email correspondence between employee and manager should also be noted.
  7. Degrees of discipline shall be used in relation to the problem at hand. As the situation dictates, based on the past performances of the employee, and the seriousness of the violation, CMCC reserves the right to move straight to termination where appropriate.

Investigation and Documentation

All violations or alleged violations at the Formal warning step will be investigated and documented by Management/ Human Resources, and in some instances a Third-party Investigator. All formal measures that have been taken within the progressive discipline process will be documented and kept in the employee's personnel file. Personnel files are subject to the terms of Collective Agreement if/when applicable.

Administrative Leave with Pay – Pending Investigation

1. In the event that an employee is placed on Administrative Leave pending the results of an investigation, the employee will be notified of the decision, a stated

targeted timeline for the investigation and the actions that predicated the decision.

2. This form of leave is not disciplinary but is intended to allow CMCC to examine the issues thoroughly and to determine appropriate action. Should the investigation not be completed during the targeted timeline, CMCC reserves the right to extend the leave, as necessary.
3. During the course of the investigation, the employee will be provided with the details of the allegations and given an opportunity to respond to them. The employee is required to make themselves available for interviews during this period. If the employee fails to make themselves available, CMCC will proceed with the investigation and make a determination based on the information available.
4. The employee will be given 24 hours' notice prior to any interviews taking place and the employee will have the right to union representation (when applicable).
5. As the employee will be on leave with full pay, they will be required to be available for interviews during this period. Should the employee need to leave town or be otherwise unavailable for interviews, they must submit a request and be granted approved leave (vacation or unpaid leave).
6. Any CMCC employee who is placed on Administrative Leave with Pay will be required to temporarily turn over their office keys, access passes, identification card and credit cards (when applicable). Any and all CMCC property, business information, and confidential information are to remain at the worksite. In the event that the employee maintains any files and/or equipment that are the property of CMCC at their residence, they will be required to turn these items over to a CMCC representative, until such time as the investigation is completed.
7. Employees placed on Administrative Leave with Pay are not to have contact with anyone from CMCC other than their designated point of contact.
8. Employees placed on Administrative Leave are subject to the obligations set out in this Policy, and bound by all CMCC policies and its Confidentiality Agreement.

#### Termination of Employment

The final stage of progressive discipline is termination of employment. Termination of employment with CMCC may occur following an employee committing multiple violations of CMCC policy, after the steps for progressive disciplinary action have been taken or immediately following a severe violation.

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## **8. ATTACHMENTS**

None.