

An Employer's Guide to Managing Employees with Progressive Discipline



If you're an employer, you know that, whether you have 10 employees or 100, there is an art to managing your workforce and a well-oiled human resource process is necessary for a well-run business. You invest a lot of time and money into your employees and, understandably, expect attendance, productivity, and proper work conduct in return that will benefit your business as a whole.

If you have employees who aren't meeting the expectations of their role, it's important not to have a knee-jerk reaction. Instead, progressive discipline gives both the employer and employee the opportunity to get on the same page and provides the employee with a roadmap for improvement.

What is Progressive Discipline?

Progressive discipline is a process used to address employee conduct that is not meeting the expected and communicated standards of your business. Progressive discipline is exactly what it sounds like – tiered discipline measures that help an employee understand that a problem may exist and gives them a chance for improvement before moving to a more serious tier of discipline if the conduct continues. The idea of progressive discipline is that after a number of attempts to rectify an employee's behaviour, you eventually will have enough documentation to terminate the employee for cause. A "for cause" termination has a very high threshold, so it's important your discipline measures are reasonable, well-documented, and clearly defined in a workplace policy that, ideally, your employee has acknowledged.

Ranges of Discipline

Discipline measures should range from verbal warnings to terminations, with terminations always being an absolute last resort. It's important to note that there is no one size fits all approach to disciplinary actions. Each situation will differ depending on the employee, their conduct and the overall material impact on the workplace and business.

Employers should always consider any accommodation issues or the potential for discrimination when considering their approach to discipline.

Below we will explore a general guide to progressive discipline measures.

Guide to Implementing Progressive Discipline

1. Document Everything

As soon as an employee is not meeting expectations, immediately start documenting what's going on. If the employee is constantly late, be sure to document the dates and times so you have a clear record to rely on when you eventually need to address the issue with the employee. You should continue to keep clear documentation throughout the entire disciplinary process.

2. Verbal Warning

Meet with the employee face-to-face (either in-person or electronically in this digital world) to address your concerns about their performance. You want to be clear and concise about what the expectations are and how the employee is falling short. You also want to be clear about what the consequences are if the conduct continues, and offer direction and support for the employee to improve.

3. Evaluate

Following any warning to an employee, you always want to allow for evaluation time so the employee can reflect and improve on their behaviours. The amount of time and leniency you give here will depend on the situation. Be sure to continue to document the evaluation process and the employee's conduct throughout.

4. Written Warning

If the employee's misconduct continues, the next step is to issue a written warning detailing the misconduct and, again, how the employee is not meeting expectations. The employee should receive a signed and dated copy and you, as the employer, should keep one for your records. Again, you'll want to offer direction and support for the employee to improve their future performance.

5. Evaluate and Apply Further Progressive Discipline

After allowing for a further evaluation period for the employee to rectify their behaviours, should the misconduct persist, you may want to take further disciplinary action. Some examples here would be a disciplinary probationary period, reducing or reassigning workload, or possibly a demotion. If implementing further disciplinary measures, you need to proceed with caution to ensure you are not breaching any governing employment standards legislation. Employers should also always be aware of unilaterally changing their employees' nature of work, as this may be grounds for constructive dismissal.

A note on Performance Improvement Plans (PIPs): these should be used as a genuine effort to improve an employee's performance. It should never be punitive or a way to set an employee up for failure to make it easier to fire them. Rather, PIPs are a useful tool for transparency and setting out clear benchmarks in clear timelines.

6. Termination

Lastly, if the employee's misconduct continues, an employer can terminate them for cause. Depending on the nature of the conduct or the situation, you may also consider a termination without cause. Again, the threshold for a with-cause termination is very high, so if you are considering terminating with cause, we highly recommend you speak with an employment lawyer first.

Fingers Crossed, Everyone Lives Happily Ever After!

Hopefully, in most cases, a well-executed progressive discipline process will rectify

the performance issues and will be a win-win for the employer and employee.

Managing employees who aren't meeting expectations can be tricky grounds to navigate, so if you have questions about your progressive discipline policy, and/or have decided to terminate and are unsure if you have proper grounds for termination, [get in touch](#) for a consultation.

Source: [Spring Law](#)

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