But I Did Not Do Anything Wrong!



Options for responding to being unfairly disciplined

Question: Recently I was disciplined by my supervisor for what he termed ‘work performance issues’. He has yelled at me on several occasions. He once told me that he was giving me a verbal warning. I do not feel my work is of poorer quality than that of any other employee. I don’t know what I am supposed to do to meet his standard. Now he has given me a written warning and removed some of my responsibilities. He says if my work does not improve he may have to let me go.

Know Your Options

Your first step is to familiarize yourself with your options by educating yourself about the disciplinary procedures of your organization. You might also choose to step back and examine your own skills and work performance. It is possible that the situation with your supervisor has caused you stress and your performance has suffered. You may not always be aware how others perceive you or your work capacity.

Before taking any actions you may want to approach your supervisor and ask him if there is something you have done to bother him. Ask if he is willing to help you improve your performance by suggesting training, finding you a mentor, or helping you with specific feedback. It may be too late for this but it may be worth a try before you take the next step. If he is not receptive to helping, you can choose to appeal the current disciplinary actions.

Make Your Appeal

Generally your options for appeal will be time limited. You have around 3-5 days. Respond in writing to your supervisor and HR with a request to appeal. Compile details about your performance and any written material such as email correspondence that supports your assertion that your work is of good quality. This can also include information about co-workers who may be aware of the quality of your work. You may also want to compile information about your manager’s actions towards you.

Your Challenge

It is very difficult to appeal the substance of a work performance complaint. Often, much of the evaluation process is subjective. If your supervisor defines the work he can, within reason, define what performance he expects. You can try to compare your work to the quality of your co-workers, but that is still very difficult. You may be more successful appealing a procedural failure of your supervisor or HR during this

process then the substance of his concerns. If you do succeed in appealing and reversing the disciplinary actions you may be working under a cloud, which could put you under further stress.

If your supervisor is mistreating you, which includes yelling and removing your responsibilities ou may have a future case for constructive dismissal or possibly a workplace bullying complaint. However, ultimately it is very difficult to prevail in these cases, it can take time and often the resolution is not what you would hope for.

Depending on the type of organization you work for your employer may have the right to simply demote you, remove your responsibilities or even fire you as he sees fit. As long as he is not doing it based on issues of discrimination and he follows employment standards for your region he can exercise his rights to remove employees from his organization. Unless you have a contract or collective agreement that provides you additional options you may have to give some serious thought to the best options for you personally. If you are certain your work performance is not really an issue you may decide the appeal is your best option. As part of the process of appeal identify your desired outcome and consider if this should include moving to a new team, department or organization.