

SAMPLE EMPLOYEE DISCIPLINE POLICY

PURPOSE

To set out the policies and procedures of the First Nations Health Organization governing disciplinary matters.

POLICY

The First Nations Health Organization shall take disciplinary action against employees whenever warranted in a fair and just manner.

The First Nations Health Organization through the employee's immediate supervisor and/or director will take appropriate corrective and/or disciplinary action in accordance with:

- a) The goals and objectives of the First Nations Health Organization whether expressed in band council resolutions, policies, and/or bylaws established by the First Nations Health Organization.
- b) The performance and conduct record of the employee.
- c) The nature of the misconduct and the degree of harm caused to the First Nations Health Organization by the misconduct.
- d) The employee's response to past attempts to progressive discipline.
- e) Any other circumstances which affect the employer- employee relationship

POLICY APPLICATION

In respect to discipline, the First Nations Health Organization shall ensure that for disciplinary reasons an employee shall not receive a verbal or written warning, reprimand, suspension or termination, without reasonable cause.

The following general steps should be taken for disciplinary matters. However, depending on the severity and/or nature of the situation, it may be necessary to bypass one or more steps

Step One: Verbal Warning

1. Where a supervisor identifies a work performance problem an informal private meeting is to occur with the employee to address the issue. The employee shall be encouraged to identify appropriate corrective measures.
2. The verbal warning will include identification of the problem to be addressed (including the duration and frequency of the problem which has occurred) and the effect and corrective action, including time frames to be completed.
3. The date of the verbal warning and the discussion shall be documented by the immediate supervisor. The employee shall be informed that a record of the discussion will be maintained in the employee's personnel file.

Step Two: Written Warning

1. Where an employee has failed to correct the problem following a verbal warning or has more than one (1) alleged infraction within a twelve (12) month period, or a more serious infraction occurs, (i.e., sexual harassment or unauthorized absences).

2. The employee's immediate supervisor will issue a written warning to the employee and a copy will be submitted to the Director of Health for placement in the employee's personnel file.
3. The warning will include any steps taken thus far to resolve the problem, and identify corrective action and notification that failure to comply with corrective action may result in suspension and/or disciplinary probation.
4. The employee will review the written warning, sign it and provide any comments.

Step Three: Suspension and/or Disciplinary Probation

1. Where an employee fails to correct the problem following verbal and/or written warnings, they may be placed in suspension and/or disciplinary probation by their immediate supervisor.
2. Suspension is not to exceed two (2) weeks and shall be without pay.
3. The immediate supervisor will document and submit to the Director of Health for inclusion in the Employees personnel file, the action taken, the reason(s) for suspension/disciplinary probation, steps taken to date, and required corrective action.
4. The suspension may also be immediate if the employee's conduct destroys the employer- employee relationship.

Step Four: Termination

1. Where the employee has failed to correct a problem through the progressive disciplinary process or where an employee's actions are so serious that progressive discipline is not appropriate, the employee's immediate supervisor may determine that the employee be terminated immediately without further notice.
2. In the case of the Director of Health, the Board of Directors has the authority to dismiss the Director of Health. The Director of Health will subject to all disciplinary action(s), similar to any employee.
3. Cause for immediate termination can include, but is not limited to:
 - a. Serious misconduct or neglect of duty;
 - b. Insubordination, insolence or deliberate violation of any of the principals set out in this policy;
 - c. Breach of the Canadian Criminal Code, Narcotics Control Act, or Food and Drug Act of Canada;
 - d. Abandonment of the position, and/or repeated failure to attend work or to call in with no reasonable explanation;
 - e. Theft or dishonesty;
 - f. Violence against a supervisor or co-worker, or against a member of the public in the course of the employee's employment;
 - g. Deliberate or negligent conduct which embarrasses or otherwise damages the reputation of the First Nations Health Organization; and
 - h. Violation of the respectful workplace policy.
4. In the event of employees who are dismissed for reason other than those stated as "just cause", a minimum two week's written notice of termination is required. The written notice of termination shall include the reasons for termination and effective date of termination. The Health Organization has the right to pay the employee two weeks in lieu of notice if it wishes to do so.

5. In the event of summary dismissal or termination for just cause, there are no requirements for pay in lieu of notice.
6. The terminated employee shall receive compensation for any vacation time earned and overtime accumulation. The employee, at the time of immediate termination, must surrender any Health Organization Property that they have as a result of their employment with the Health Organization.
7. Outstanding vacation pay for a dismissed employee will be paid at the rate that applies to the specific employee being dismissed.
8. Any employee who feels that he/she has not been treated fairly or appropriately, per discipline, has the right to appeal to the Board of Directors. All appeals must be in writing.