

## FAQs on Discipline

### **What are my rights regarding Discipline?**

As a UWOSA member, you can only be disciplined for just cause, and cannot be disciplined at all without being offered union representation. In addition, if the UWO is investigating a matter which may lead to discipline, you must also be offered union representation.

### **What is Just Cause?**

Just cause has two requirements: First, it means that the facts the employer must be able to prove that you actually did what you are being accused of doing. Keep in mind that However, the employer must only prove his case on the balance of probabilities, not beyond a reasonable doubt.) Secondly, just cause means that the punishment must fit the offense committed (e.g., the employer cannot discharge you for being late the first time). There is much case law on what is appropriate discipline for different offences.

### **Can I be Fired?**

Very few offences justify the discharge of a union member, but these include things like theft, assault, and sabotage. If it is not a serious offense, progressive discipline is imposed. The exception to this is if the employer can prove that it has imposed increasingly severe discipline for same problem and that the employee refuses to improve.

### **What is Progressive Discipline?**

Progressive discipline is the imposition of increasingly strict discipline on an employee, with a fair chance provided to the employee to correct the behaviour. The goal of progressive discipline should not be punishment, but improvement. The steps of progressive discipline are usually a verbal warning, a written warning, a short suspension without pay (1-3 days), then a longer suspension without pay (4-7 days).

### **Does UWO have a procedure for Progressive Discipline?**

UWO has an online guide for its managers entitled, "Managing Performance in a Unionized Environment". It can be found online at:

[http://www.uwo.ca/humanresources/docandform/docs/leadmanger/improvingperformance/performancefeedback/performance\\_management\\_guide.pdf](http://www.uwo.ca/humanresources/docandform/docs/leadmanger/improvingperformance/performancefeedback/performance_management_guide.pdf)

### **How long can my supervisor wait to discipline me for something?**

Discipline must be timely, meaning that it must be imposed within a reasonable time period. If the employer fails to impose discipline within a reasonable time, it cannot impose it later.

### **Why is it important to have a union rep present?**

Your union rep knows your rights under the collective agreement, and understands the law on the matter. He or she can police the questioning to ensure that your rights are protected. A discipline meeting is usually a very stressful situation, and it is important for you to have your union rep present to provide support, advice, and to stop you from making statements that could be used against you in future.

**My supervisor is putting a letter of discipline in my file that I don't agree with. What can I do?**

File a grievance to have the letter withdrawn from your file. In the interim, document your version of the incident, and ask it to be placed in your file. You can also place a reply to the letter in your file. That way, if an arbitrator is reviewing the documentation, s/he must consider both documents.

**How long can they keep a letter of discipline in my file?**

Letters over 2 years old must be removed from your personnel file and cannot be relied upon for discipline.

**What if I find myself in an investigative meeting that seems to be turning into a discipline meeting?**

STOP the meeting and ask for a Union representative.

**What are my rights during a Disciplinary Investigation?**

You have the right to have a union rep present in any meeting in which discipline is being investigated or discussed. You also must be notified of this right before any such meeting. Keep in mind this means discipline imposed on you or another employee.

**What does a union rep do during the discipline meeting?**

Your rep takes notes, stops you from saying things that may harm you, and ensures that your rights under the collective agreement are protected. You may be required to answer questions directly, but there is nothing wrong with asking to 'caucus' with your union rep if you find you need to speak with him or her alone during the disciplinary investigation.

**Why would I want union representation if they're asking me about the actions of another employee?**

Our collective agreement ensures union representation in ANY meeting where discipline is being discussed or investigated – even if it is not about you. Although it may seem that you are not the target of the investigation, you may say something that comes back to harm you. It is always better to have a union representative present.

**What advice can the Union give me regarding Discipline?**

1. Know what is in your personnel file – make an appointment with HR and go check it out.
2. If you are offered union representation, **always** say yes.
3. If you feel you are being disciplined, ask for union representation
4. If you are part of a disciplinary investigation about someone else, ask for union representation.
5. File a grievance for discipline you feel is unwarranted.