

	POLICY NO: 4.8
Adopted	2013
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POLICY: STAFF PROGRESSIVE DISCIPLINE

PURPOSE:

Hamilton-Wentworth District School Board employees are expected to maintain appropriate behaviour and carry out their duties responsibly, effectively and diligently. The purpose of this policy is:

- To affirm HWDSB's commitment to foster and maintain positive working relationships and learning in all HWDSB environments.
- To ensure HWDSB employees understand their roles and responsibilities in upholding appropriate behaviour where they work, learn, access or provide services.
- To put in place accountability measures and procedures to address misconduct.
- To ensure compliance with the HWDSB's workplace policies and standards.

This policy applies to all HWDSB employees (union and non-union), including HWDSB leadership.

GUIDING PRINCIPLES:

- HWDSB provides the highest quality of education possible to our students.
- HWDSB protects and maintains public trust.
- HWDSB considers bias, prejudice and discrimination that may influence the issuing of employee discipline. This involves considering the impact of all beliefs and actions that may enter a situation and taking steps to ensure discipline is issued in a consistent but unbiased manner in accordance with the degree of the misconduct.
- When issuing discipline, HWDSB considers mitigating circumstances for all employees.
- HWDSB employees carry out their responsibilities in a co-operative and professional manner.
- HWDSB employees comply with HWDSB policies and procedures, the Education Act, and other related legislation.
- HWDSB employees share the commitment in protecting and maintaining public trust.
- HWDSB employees reaffirm the Board's principles of equality through inclusive programs, curriculum, services and operations.
- HWDSB employees have the right to learn, work, access or provide inclusive services in an environment that is free from discrimination and harassment.

INTENDED OUTCOMES:

To address, where appropriate, employee misconduct through a progressive discipline approach.

Maintain positive and supportive working and learning environments for all employees and students where they are treated with dignity and respect, and where employees act in compliance with HWDSB's policies, procedures and applicable legal obligations.

RESPONSIBILITY:

Chief Executive Officer

TERMINOLOGY:

Bias: The attitudes and stereotypes that influence our understanding, actions, and decisions in an unconscious way.

Discrimination: Any form of unequal treatment based on a protected ground under the Human Rights Code (the "Code"), whether imposing extra burdens or denying benefits. It may involve direct actions that are discriminatory on their face, or it may involve rules, practices or procedures that appear neutral, but have the effect of disadvantaging certain groups of people. It can be direct or indirect, individual or systemic. It may be intentional or unintentional, and it may take obvious forms (direct), or occur in very subtle ways (indirect). In any case, even if there are many factors affecting a decision or action, if discrimination is one factor, that is a violation of this policy. Hate activities and harassment are forms of discrimination. Putting measures to correct, relieve or remedy hardship or systemic discrimination experienced by persons or groups in an attempt to achieve equity, is not discrimination.

Harassment: Engaging in a course of vexatious comment or conduct that is known, or ought reasonably to be known to be unwelcome.

The Code also protects employees from harassment in employment by the employer, agent of the employer or by another employee because of the following prohibited grounds: race, colour, ancestry, creed (religion), place of origin, ethnic origin, citizenship, gender identity, gender expressions, sex (including pregnancy and breastfeeding), sexual orientation, age, marital status, family status, disability and record of offences (in employment only). It is important to note that there is potential for more than one protected ground to intersect, where an employee is protected under multiple identified grounds simultaneously. Further, the Code protects employees from discrimination because of association, relationships or dealings with another person identified by a protected ground.

Workplace sexual harassment: Engaging in a course of vexatious comment or conduct against a worker because of sex, sexual orientation, gender identity or gender expression where the course of comment or conduct is known or ought reasonably to be known to be unwelcome. This could also include making a sexual solicitation or advance where the person making the solicitation or advance is in a position to

confer, grant or deny a benefit or advancement to the worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome.

The Code offers protection for workers against harassment because of sex or sexual solicitation by a person in a position to confer benefits. Every person who is an employee has a right to freedom from harassment in the workplace because of sex, sexual orientation, gender identity or gender expression by their employer or agent of the employer or by another employee.

Every person has a right to be free from sexual solicitation or advance made by a person in a position to confer, grant or deny a benefit or advancement to the person where the person making the solicitation or advance knows or ought reasonably to know that it is unwelcome; or a reprisal or threat of reprisal for the rejection of a sexual solicitation or advance where the reprisal is made or threatened by a person in a position to confer, grant or deny a benefit or advancement to the person.

Harassment (including sexual harassment) can involve words or actions that are known or should be known to be offensive, embarrassing, humiliating, demeaning or unwelcome. More than one event may need to take place to constitute harassment. However, one incident could be significant or substantial enough to amount to harassment. The following is a non-exhaustive list of behaviour that constitutes harassment: name-calling, unwelcome remarks, jokes, slurs, displaying derogatory or offensive messages and bullying.

HWDSB environment: Board property, schools, school buses, virtual or digital learning and working environment, social media, school or work-related events or activities, before- and after-school programs, extracurricular activities, co-instructional activities, excursions and may include any other locations outside HWDSB that may have an impact on the school or work and learning climate.

HWDSB leadership: Senior administration, including the director of education, Executive Council, principals, vice-principals, managers and supervisors.

Prejudice: A preconceived opinion that is not based on reason or actual experience.

Progressive discipline: An approach that uses interventions, supports, and consequences to address job related misconduct that does not meet expected and communicated standards and/or that are a violation of HWDSB policies, procedures or any applicable legal obligation. This approach builds upon strategies that promote both positive employee behaviours and positive workplace culture. The approach to employee discipline, where appropriate, will include learning opportunities for employees to reinforce these positive behaviours. It involves increasingly severe steps of discipline where it is appropriate to provide an employee with the opportunity to improve their behaviour.

ACTION REQUIRED:

- Create and maintain a progressive discipline procedure that outlines HWDSB's expectations with respect to the level of discipline, including termination, for employee misconduct. The procedure also includes a process for employee misconduct that HWDSB considers severe enough to skip levels of progressive discipline and/or warrants immediate termination of employment.

- Provide training to HWDSB leadership about the policy and any related procedure, including the stages and steps of progressive discipline:
 - STAGE 1 – PRE-DISCIPLINARY
 - Coaching conversation
 - Letter of Expectation
 - STAGE 2 – DISCIPLINARY
 - Step 1 – Verbal Warning (Documented)
 - Step 2 - Letter of Discipline (Written Warning)
 - Step 3 - Suspension (Without Pay)
 - Step 4 - Additional Day(s) Suspension (Without Pay)
 - Step 5 - Termination

PROGRESS INDICATORS:

Intended Outcome	Assessment
To address inappropriate behaviour by employees through a progressive discipline approach.	A reduction in the number of times progressive discipline steps are required. A reduction in the number of investigations related to job-related misconduct.
Maintain positive and supportive working and learning environments for all employees and students where they are treated with dignity and respect.	Employee voice survey Student voice survey

REFERENCES:

Government Documents

Education Act
 Employment Standards Act
 Occupational Health and Safety Act
 Collective Agreements, where applicable
 Ontario Human Rights Code