

APPENDIX 4

**NBUPPE**

**Union Fact Sheet –Discipline**

What is the employee's past record of discipline? Be precise, noting any warnings, reprimands or previous penalties, including dates and reasons given:

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What is the employee's personal relationship to their immediate supervisor or other managers involved? Is there a personal conflict between them?

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Are there extraordinary circumstances involved? i. e. Does the employee have an alcohol, drug, or gambling addiction?

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Has the employer addressed the area of concern with the employee prior to the dismissal or suspension? If so, how?

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Are there other employees doing the same thing without being disciplined? If so, who and how many?

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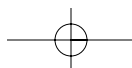
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Does the disciplinary action taken seem to fit the "crime"? Is there Just Cause for the employer to act on?

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**INVESTIGATING DISCIPLINARY ACTIONS WITH YOUR LRO**

**Immediately contact your LRO.**

What is the employee's past record of discipline? Be precise, noting any warnings, reprimands or previous penalties, including dates and reasons given:

In applying discipline, the employer may be justifying the action it has taken by claiming that it is following a procedure known as *progressive discipline*. In other words, each disciplinary action is greater than the last, and the earlier actions justify the severity of the following ones.

What is the employee's personal relationship to their immediate supervisor or other managers involved? Is there a personal conflict between them?

This is important in establishing whether there may have been any prejudice or bias applied by the employer in issuing the discipline. You will want to determine if issues unrelated to the employee's work contaminated the decision to take disciplinary action.

Are there extraordinary circumstances involved? i.e. Does the employee suffer from a mental or physical disability or have an alcohol, drug, or gambling addiction?

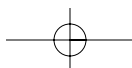
If the employee does have some addiction problem, or some other mitigating circumstances that may have led to their conduct which resulted in the discipline, the employer may be obligated to try some other course of action aimed at recovery or relief of those mitigating circumstances, prior to resorting to discipline. Also, if there are appropriate reasons for the employee's conduct, such as a health and safety concern, the discipline may be unwarranted.

Has the employer addressed the area of concern with the employee prior to the discipline? If so, how?

It is important to note if the area of concern resulting in discipline was ever brought to the employee's attention before. If the employee was never made aware of a need to correct a situation and what the employer's expectations were in correcting it, the discipline may have been inappropriate.

Are there other employees doing the same thing without being disciplined? If so, who and how many?

If the employer is taking action against one employee, but not others, it may indicate that discrimination is taking place.



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Does the disciplinary action taken seem to fit the “crime”? Is there Just Cause for the employer to act on?

Establish whether the discipline issued is reasonable to the misconduct alleged. In order to satisfy the “Just Cause” provisions of the collective agreement, the employer’s actions must be well grounded, fair, equitable and proper.

There are seven tests that can be applied to determine whether “Just Cause” requirements have been met:

1. Did management adequately warn the employee of his conduct?
2. Was management’s rule or order reasonably related to efficient operations?
3. Did management investigate before administering the discipline?
4. Was the investigation fair and objective?
5. Did the investigation produce substantive evidence of proof or guilt?
6. Were the rules, orders and penalties applied even-handedly and without discrimination to all employees?
7. Was the penalty reasonably related to the seriousness of the offence and past record?

