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GCP
DISCIPLINE AND DISCHARGE
December 8, 1987
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1. GENERAL

- 1.1 The Winnipeg School Division believes that standards for the acceptable conduct of employees are necessary for the orderly operation of the Division and for the benefit and protection of the rights and safety of all students, employees and the public.

2. EMPLOYEES COVERED BY COLLECTIVE AGREEMENTS

- 2.1 Where provisions regarding discipline and discharge exist within a collective agreement, they shall apply.

3. PROGRESSIVE DISCIPLINE

- 3.1 When an employee violates the rules, policies or procedures of the Division or acts in an insubordinate manner, committing an offence warranting disciplinary action, the supervisor shall begin progressive disciplinary action.

4. NOTIFICATION TO SUPERINTENDENT/DEPARTMENT DIRECTOR

If the offence involves an allegation of physical/sexual assault/abuse against an employee(s), the District Superintendent/Department Director should be informed immediately.

5. DOCUMENTATION REQUIREMENTS

- 5.1 Employee discharge requires adequate records defining an employee's misconduct and, if appropriate, previous warnings. It is the Division's policy therefore that a uniform progressive discipline procedure be followed by its Principals, Department Directors and Supervisors which will ensure that:

- 5.1.1 a copy of all written warnings given and disciplinary measures taken is forwarded to the Human Resources Department for inclusion in the employee's personnel file.
- 5.1.2 an employee has been provided with a notice that a continuance of improper actions will bring about a recommendation for discipline or discharge.

6. SUSPENSION

- 6.1 Suspensions of employees, with or without pay shall only be made on the authority of the Chief Superintendent or designee. The Board shall be informed of such suspension at a subsequent meeting.

7. DEMOTIONS

- 7.1 Demotions of employees, other than those employees directly appointed by the Board of Trustees, shall be made by the Chief Superintendent or designee. The Board shall be informed of such demotions at a subsequent meeting.
- 7.2 Demotions of employees directly appointed by the Board of Trustees shall be made by the Board of Trustees on the recommendation of the Chief Superintendent.

8. TERMINATION OF EMPLOYMENT

- 8.1 Termination of an individual's employment or employment contract shall be made only by the Board of Trustees.

9. APPEAL

- 9.1 An employee may appeal a suspension or termination by following the procedure outlined in Policy GBM, Employee Complaints and Grievances.



Regulations governing procedures and operations for discipline and discharge as determined by the Chief Superintendent.

1. Progressive Discipline

- 1.1 Any discipline administered by a supervisor should be commensurate with the circumstances warranting discipline.
- 1.2 Discipline may begin at any step in the procedure depending on the seriousness of the circumstances.
- 1.3 The supervisor may repeat either of the first two (2) steps of this procedure when it is determined to be necessary.
- 1.4 The supervisor should consult the District Superintendent or Department Director if there is any doubt as to the procedure to be followed.

2. Procedures

- 2.1.1 For a minor concern(s), the employee shall be given a verbal warning outlining the nature of the concern(s). Anecdotal notes of these warnings must be kept by the immediate supervisor.
- 2.1.2 If a verbal warning fails to resolve the problem(s) within a reasonable length of time, or the circumstances warrant, a written warning shall be given to the employee outlining the details of the concern(s). The Principal, Head of Department or Supervisor must then discuss the document with the employee.

Note: The employee is to be given the opportunity to have a union representative present during the review of the warning letter.

Note: A representative of the Human Resources Department should also be in attendance during the discussion with the employee along with a representative of the appropriate union.

- 2.1.3 If a written warning fails to resolve the problem(s) within a reasonable length of time, the problem(s) should be discussed with the Director of Human Resources or designee as a suspension or other administrative action may be necessary at this stage.
- 2.1.4 If written warnings fail to resolve the problem(s) within a reasonable length of time, or the circumstances warrant, a suspension, demotion, transfer or discharge will be considered. Any such action must involve the District Superintendent or Department Director.
- 2.2 Where a disciplinary action results in a transfer of an employee, the District Superintendent or Department Director shall notify the employee in writing of the reasons and the action taken, either by personal service or by registered mail.
- 2.3 Where a disciplinary action results in a suspension without pay of an employee, the **District Superintendent, Department Director** or designee shall notify the employee in writing of the action to be taken, either by personal service or by registered mail. The Board shall be informed of the suspension at a subsequent meeting.
- 2.4 Where a disciplinary action results in a recommendation to the Board for the termination of an employee's employment, the employee shall be given an opportunity to appear before the Board prior to the Board making a decision regarding the recommendation.



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- 2.5 Employees shall be given the opportunity to examine and receive copies of any document expressing dissatisfaction with their conduct which is in their file(s).
- 2.6 An employee who is demoted due to inadequate performance shall be paid at the corresponding step on the lower scale (e.g., an employee presently at Step IV on the higher scale would move to Step IV on the lower scale).
- 2.7 If an employee is transferred due to inadequate performance to a position on the same salary scale, their salary will not change.
- 2.8 If an employee is suspended from work as a disciplinary measure, the Principal, Department Director, Supervisor or designated person shall record the suspension on the authorized time sheets.
- 2.9 Where a disciplinary action results in the termination of an employee's employment, the Secretary-Treasurer or designee shall notify the employee in writing of the action taken, either by personal service or by registered mail.
- 2.10 An employee who considers that they have been wrongfully suspended, transferred, demoted or discharged shall be entitled to follow the procedure as outlined in Policy GBM - Employee Complaints and Grievances Procedure.
- 2.11 Advice or interpretation of these procedures will be provided by the Director of Human Resources.

3. Sexual or Physical Abuse/Assault

3.1 Procedures for Investigation

- 3.1.1 When a report of sexual or physical abuse/assault against an employee is received by a member of the senior administration, if the complaint involves a student it should be determined whether the disclosure or suspicion has been reported to Child and Family Services or the police. If it has not been reported and the complainant is a member of the staff of the Division, the complainant should be informed of his/her obligation to report any disclosures under the Child and Family Services Act and the policy of the Division and advised that they should report the disclosure immediately.

If abuse or assault is suspected but no disclosure has been made, the member of the senior administration should obtain as much information as possible and advise as to whether to report the suspicion to the police or CFS or to review the matter with the solicitor.

- 3.1.2 The report of sexual or physical abuse/assault by an employee and involving another employee should be reported by the member of the senior administration receiving the call to the following people immediately:
- Appropriate Superintendent/Department Director
 - Director of Human Resources
 - Chief Superintendent
- 3.1.3 The Chief Superintendent will advise the Chair of the Board.
- 3.1.4 A superintendent/department director shall be assigned by the Chief Superintendent to



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investigate the matter.

The Director of Human Resources will be involved in all cases. The investigating committee shall include both male and female members of the senior administration.

- 3.1.5 As soon as the superintendent and/or the department director has been assigned, a meeting shall be convened by the Superintendent in charge to determine the subsequent procedures to be followed.
- 3.1.6 The Chief Superintendent shall be kept informed of the status of each case at all times.
- 3.1.7 The action taken with respect to the employee and the general details of the case shall be reported to the Board by the Chief Superintendent.
- 3.1.8 All requests from the media for information shall be directed to the Chief Superintendent.