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THE GLOBE AND MAIL

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The great workplace discipline dilemma

By Susan Pinker

From Saturday's Globe and Mail

Progressive discipline: It may not be warm and fuzzy, but it should be timely, transparent and fair

Dear Susan,

As a project manager, I supervise a forklift driver who I suspended for a day for not wearing his seatbelt. Then, recently, I gave him a two-day suspension without pay because he broke a side mirror. The punishment was more severe because of his first offence. He claims this is unfair because the mirror was an accident, but my view is that both are signs of carelessness. And I thought that's how the system of progressive discipline was supposed to work. Before he makes trouble for us both, I'm wondering how common progressive discipline is in business, and whether there are any guidelines.

- Between a rock and a hard hat

Dear Rock,

You jumped the gun on the suspensions. Progressive discipline is just that - progressive. It's a system of gradual steps designed for managers dealing with performance issues. And while the "discipline" part means that there are increasingly serious consequences for undesirable behaviour on the job, it always starts with verbal feedback.

The employee is supposed to know what he or she has done wrong, and how the problem can be solved. A reasonable time frame is always given for follow-up, and what might happen if, by chance, the employee doesn't clean up his or her act. It's not supposed to be used as an all-purpose punishment.

Despite little hard evidence that it works, progressive discipline has become standard in unionized environments, and is becoming more common in other settings, such as governments, hospitals, and even high-school classrooms.

The attraction is that it offers a lockstep system to people who must monitor others' performance before misdemeanours escalate past the point of no return.

By providing graduated steps that a manager should take when an employee has fallen short of expectations,

progressive discipline ensures that someone can't be suspended or fired prematurely or for the wrong reasons.

Of course, because progressive discipline creates a paper trail, it protects employers, too. In the event of a difference of opinion about why someone was dismissed, an employer can refer to a file that documents when the employee blew it the first time (arrived late for work, say, or violated the safety code), and exactly what transpired.

As a first step, the supervisor might clarify expectations face-to-face, and talk about a time frame for improvement. More severe consequences would follow a second incident, perhaps a written warning that a suspension might be next. Then, on a third infraction ... well, it could be three strikes and you're out. An employee can't plead ignorance if he or she was given the lowdown, not once but twice or three times.

Everywhere I looked - in human resources articles and on corporate, university and government websites (see, for example, http://www.hrsdc.gc.ca/eng/labour/publications/employment_standards/discipline.shtml or http://www.hr.ubc.ca/adv_srv/er/discipline.html for specific guidelines) - the "progressive" part of the package means that, first, an employee must be told what the problem is, and how to fix it. (You don't say whether you talked to this driver before suspending him.)

Second, he or she should have been told what would happen if the problem persists. And third, he or she should know what would be considered a second offence.

Progressive discipline might not be a warm and fuzzy process but it should be timely, fair and transparent. There should be no surprises.

Speaking with two labour lawyers confirmed my suspicion that a conversation should always be the first step.

"It's what I call a fireside chat," said Michael Fitzgibbon, a partner at Watershed LLP, a boutique labour and employment law firm in Oakville, Ont. "The manager's really there to explain to the employee that [he or she is] not meeting expectations, and to communicate exactly and clearly what these expectations are.

"But often that's not done. You would typically want to put a time frame on it: When you're expecting the person to achieve those expectations, including what assistance you, the employer will provide. And finally, what will happen if the employee doesn't comply," Mr. Fitzgibbon said.

Nini Jones, a labour lawyer at Pagliare Roland Rosenbert Rothstein LLP in Toronto, often represents unionized and public-service employees, such as officers in police associations. She said several factors - such as the employee's work experience, and whether it's a first offence - should be considered before applying a penalty.

"There are two questions: Should there be discipline at all, or should there be a warning or reminders?" Ms. Jones said. "And secondly, if there is misconduct, what is the appropriate level of discipline? You look at seniority, the nature of the incident and if it's the same, or similar, to the incident that happened before."

Knowing only a few details about this particular example, her hunch was that if an unfastened seatbelt were a first offence, "the suspension seems a bit steep."

The goal of progressive discipline is not to punish or humiliate, Ms. Jones said, "but to improve the employee's behaviour."

The question remains as to whether progressive discipline is actually effective. The only decent empirical study I could find was published 25 years ago by the late management professors Janice Beyer and Harrison Trice, then at the University of Texas at Austin and Cornell University, respectively. They interviewed 474 managers at 50 major locations across the United States about their problem employees.

Their findings are still relevant, and may come as a shock to those who put stock in stiff consequences. The most effective features of progressive discipline turned out to be the mild ones: constructive feedback and informal discussions about how to improve performance. Confrontations, written warnings and repeated and successively

longer suspensions turned out to be negatively linked to the employee's later work performance; as disciplinary measures became progressively harsher, the employee's performance deteriorated in tandem.

So, it seems your employee is not the only one with some issues to work on in 2010. This common form of discipline could use some monitoring, too.

*Susan Pinker is a psychologist and author of *The Sexual Paradox: Extreme Men, Gifted Women and the Real Gender Gap*. Her blog, on the science of human relationships can be found at <http://www.psychologytoday.com/blog/the-open-mind>. Send questions to:*

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