



*This safety resource was written for the recycled materials industry by the recycled materials industry and was developed to assist you in making your recycling operation a safe place for employees, customers, and visitors. This resource covers OSHA requirements that may or may not be applicable to your operation.*

## **PROGRESSIVE DISCIPLINE**

**APPLICABLE STANDARD:** N/A

**EMPLOYEES AFFECTED:** All

### **WHAT IS IT?**

Progressive discipline is a standard policy for disciplining employees in such a way that repeated infractions result in increasingly severe penalties, up to and including termination of employment.

**WHY IS IT IMPORTANT?** Having a progressive discipline policy puts teeth into your safety rules and policies. A fair and consistently enforced progressive discipline program can be an important defense against charges of discrimination.

### **WHAT IS REQUIRED?**

- After you have developed safety rules and policies, determine how employees will be disciplined for violating a rule.
- Develop a companywide discipline policy. The policy should be progressive, meaning that penalties become harsher for repeat offenses.
- Once the discipline policy is completed, introduce it to all employees, including the management team.
- Make the policy part of your new employee orientation.
- Review the policy on a periodic basis to ensure it is still relevant within the operation.

### **HOW DO YOU DO IT?**

For many companies, the discipline policy for safety is integrated with a larger personnel conduct policy.

Determine reasonable punishments for rule violations and how many “chances” employees are allowed before they are terminated. The idea is that everyone can have a bad day and forget to follow a safety rule, but consistently bad days cannot be tolerated. Many companies use a three-strike rule that consists of:

- written warning
  - suspension
  - termination.
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Some companies include the preliminary step of a verbal warning, but ISRI Safety recommends against any disciplinary step that is not documented.

Appendix A presents a sample progressive discipline policy.

Consistent enforcement can be the greatest challenge to an effective progressive discipline program. It may be easy to take action against an unproductive worker who commits a safety infraction, but it can be wrenching to take action against a star producer who commits the same infraction.

## **APPENDIX A: Sample Progressive Discipline Policy**

Here is a sample progressive discipline policy from a scrap processing facility.

### **[COMPANY NAME] EMPLOYEE DISCIPLINE POLICY**

#### **Purpose**

The purpose of this policy is to provide a clear, well-defined, disciplinary action policy. [Company name] wants employees to know where they stand with regard to their performance and to reduce, as much as possible, the fear of unwarranted termination. It is important that all employees understand this policy and procedure.

#### **Policy**

[Company name] is committed to a fair and equitable disciplinary policy. The administration of discipline will be for, but not limited to, noncompliance with company policies, procedures, safety rules, and professional standards. Discipline can also be administered for such matters as inefficiency, incompetence, failure to maintain skills, inadequate performance levels, insubordination, failure to follow the lawful orders of a supervisor, misfeasance, malfeasance, or nonfeasance in your assigned position.

This progressive discipline policy lets employees know exactly where they stand and why disciplinary action is being taken, and it gives employees a chance to present their side of the story. The three-tiered approach to discipline distinguishes between minor and more serious infractions. It allows employees an opportunity to learn from mistakes and improve their performance without the fear of unwarranted termination for minor infractions. If you have any questions about this policy, contact your supervisor or a member of the management.

The type and severity of any disciplinary action taken shall be governed by principles of consistent application, prior knowledge of rules and standards, and determination of the facts. Employees subject to disciplinary action, including involuntary termination, may appeal the action to management in writing. All notifications and filings will be in writing and become a part of the employee's file.

Suspensions should be for a minimum of a half-day to a maximum of 30 days. All disciplinary suspensions are without pay. Management will provide a copy of a notice of suspension, in

writing, to the employee and the employee's immediate supervisor. A copy will be kept in the employee's file.

Accidents involving property damage, horseplay, or injury to an employee, customer, or third party will be reviewed for possible disciplinary action. Employees not following established policy and procedure may be responsible for reimbursing the company for repairs, responsible for deductibles when insurance is involved, and responsible for replacing equipment entrusted to the care of an employee. All personal protective equipment issued to an employee must be returned, replaced, or paid for. All horseplay incidents resulting in property damage, personal injury, or other harm to the company may result in disciplinary action.

### **Procedure**

1. All disciplinary warnings will be in writing and will remain in the employee's file. The written warning must contain a statement from the employee being disciplined. If the employee refuses to provide a written statement, the supervisor will enter a statement of the circumstances and sign it. The type and severity of discipline may take into consideration the severity of the infraction, the repeated nature of violations (verbal warnings), prior disciplinary actions (written), the employee's past work record, and the potential of causing injury or damage to the employee, other persons, or property.
2. The first written warning will include a review with the employee's immediate supervisor. The employee must be given the opportunity to respond to the warning in writing. If the employee to be disciplined refuses to provide a written statement or sign the Employee Action Form, the supervisor will attach a Refusal to Sign Form that must be signed by the employee. Depending on the nature of the incident and whether the employee is (1) contract or temporary, (2) on probation, or (3) part-time or full-time:
  - A. The employee may be referred to management for termination.
  - B. The employee may be suspended without pay for an appropriate period (approval required from management).
  - C. The employee may attain Level One disciplinary status (received first written disciplinary warning).
  - D. Temporary, seasonal, and probationary employees may be terminated for any reason.
3. The second written warning will include a review with the employee's immediate supervisor and management. The employee must be given the opportunity to respond in writing. If an employee refuses to provide a statement or sign the Employee Action Form, the supervisor will attach a Refusal to Sign Form to be signed by the employee. Depending on the nature of the incident and the employee's status:
  - A. The employee may be referred to management for termination.

- B. The employee may be suspended without pay for an appropriate period (approval required from management).
  - C. The employee may attain Level Two disciplinary status (received second written disciplinary warning).
  - D. Temporary, seasonal, and probationary employees should be terminated at the second level. Only after careful review by management can temporary, seasonal, and probationary employees retain their positions.
4. When an employee is subject to a third disciplinary action after an incident, regardless of status, he or she will be terminated. This action will come from management and only after a careful review of the incident. This action will also be documented including a statement from the employee, and placed in the employee's file. Employees receiving a third warning must be given the opportunity to respond in writing before termination. Management personnel will process employees attaining this level only.
5. All disciplinary action documentation will remain in the employee's file. Employees should have access to their own file and may request copies of all or any part of that file. Any employee terminated for any reason, other than voluntary termination, may appeal the decision through the grievance and appeal procedure.