

Discipline for a Fair Workplace

Disciplining employees is one of the toughest things an employer has to do. Here are a few ways to make it easier.

By Bernie Erven



Discipline is an unpleasant responsibility. Parents, teachers, coaches and employers are likely to agree. Doing it poorly only compounds the unpleasantness. Doing it well, however, reduces employer frustration, increases employee morale, makes the firing of an employee rare and reduces the threat of legal action by disgruntled former employees. Three guidelines can help: take effective preventive action, use effective techniques, and reward supervisors and employees.

TAKE EFFECTIVE PREVENTIVE ACTION

Preventive action emphasizes the creation of an environment where disciplinary action is rarely needed.

Accept the Challenge. Accept that discipline is both important and difficult. Avoid denying a role in discipline. Commit to making discipline a human resource management strength.

Discipline the behavior not the person. Aim discipline at what an employee has done or not done. Avoid criticizing the employee's personal characteristics. Note the difference between the disciplining of two employees late for work:

- "I hate when you are late. I don't understand why you can't figure out that you need an alarm clock that works."
- "We need to talk about the problem you are having getting to work on time. Your being late means your crew starts the day shorthanded. What can you do to be sure you are on time from now on?"

Develop a Positive Attitude. Develop a positive attitude toward your employees, supervisors and the business.

Know the Law. Knowing the general provisions of the law about discipline is essential. The law is complex. Both statutory and common law emphasizes fairness and consistency.

Put Rules in Place. Rules are essential. Leniency and trusting all employees to use good judgment should not be your approach to discipline. No matter how lenient your rules may be, no matter how often you give employees the benefit of the doubt and no matter how understanding you try to be, some employees will still try to take advantage of you.

Train Supervisors. Supervisors need to know the rules and need to understand their roles in enforcing the rules. They also need to understand that an individual employee's discipline should not depend on who the supervisor is. A business should avoid having some supervisors known to be easy and others known to be tough.

Hire the Right People. Employees who fit their jobs and work well with employers do their jobs well with little discipline. Further, employees who are self-motivated and self-disciplined adjust to fit their employer's rules.

Make Rules an Important Part of Employee Orientation. An employee's first day on the job is the right time to explain the rules, describe discipline and emphasize that fairness guides discipline. Go through the employee handbook or provide a thorough explanation of the rules. Explain why the rules exist and how they make the business a better place to work.

USE EFFECTIVE DISCIPLINARY TECHNIQUES

Preventive actions help ensure that most employees need little more than their own self-discipline. Nevertheless, discipline is sometimes required. The guidelines in the hot stove rule and the progressive discipline outline are helpful.

Hot Stove Rule. The rule is actually an analogy based on a person touching a hot stove. The analogy provides four discipline basics. Think about deciding to touch or not to touch a hot stove.

The stove provides a warning. One can feel the heat and know that touching will burn. (Employees need to know their employer's rules. The rules provide a warning.) ▶

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The stove is consistent. One need not guess whether the hot stove will burn; it always burns. (Employees need to know that the rules will be enforced every time they are broken.)

The stove burns immediately. No time is lost between the touch and the burn. (Employees should know when the discipline will come. Saving up discipline problems until the supervisor is less busy means the discipline loses effectiveness.)

The stove is impersonal. The stove burns everyone who touches it (Good discipline treats each violator the same way. The best employee and a problem employee receive the same fair treatment.)

Progressive Discipline. Progressive discipline is designed to stick with an employee until there is no longer a problem or it has become clear that the employee is unlikely to change. Progressive discipline incorporates four steps, each more severe than the previous:

- Verbal warning
- Written reprimand
- Suspension
- Discharge

Communication is the key to progressive discipline. The primary objective is to help "save" a problem employee by letting them know there is a problem, what needs to be done to take care of the problem and when it has to be done. The secondary objective is to help build a defensible case should the discharge of a problem employee become necessary.

The communication associated with discipline can be emotional for both the employer and employee. Therefore, the employer should get all the facts before the discipline, communicate in private, stay calm, document what was said and resume normal relations with the employee after the discipline.

A rule that all employees are to call in when they are going to have an un-

expected absence from work can be used to demonstrate progressive discipline. The rule is that not calling in four times in a 24-month period leads to automatic discharge. Each employee is allowed one freebie, an absence without calling in, every 24 months. The first offense after the freebie triggers progressive discipline. Given this rule, progressive discipline might be applied as follows:

Verbal Warning. Terry, an employee, was absent without calling in. He had already used his freebie. Linda, Terry's supervisor, talked with Terry his first morning back on the job. Linda confirmed that Terry had been absent and had not called in. She then explained the rule and asked Terry if he had ▶



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any questions about the rule. He said the rule was clear. Linda reminded Terry that if he went 24 months without a repeat of the problem, his personnel file would be purged of any record of this first offense. Linda wrote a summary of the conversation for Terry's personnel file.

Written warning. Seven months later, Terry again failed to call in. Linda gave him a written reprimand the following day. The written reprimand again explained the rule, reminded Terry that this was his second offense and explained the consequences of third and fourth violations of the rule during the next 17 months. Linda again asked if Terry had any questions about the rule. She asked Terry to sign a statement saying that he had received the written reprimand. Linda reminded Terry that if he went 24 months without a repeat of the problem, his personnel file would be purged of any record of the two offenses.

Suspension. Fourteen months later, Terry again failed to call in. Linda prepared a letter for Terry explaining that he was suspended from work without pay the following day for having had three offenses of the rule after his freebie. Again, Linda explained the rule and gave Terry opportunity to ask questions. The letter made explicit that another offense within the next three months would cause automatic discharge. Linda again had Terry sign that he had received the letter and explained how he could have his file purged.

Terry then went 24 months with no repeat of the problem, and his file was purged of Linda's written material about the three offenses after the freebie. Once the progressive discipline process starts, the employer's hope should be that the employee will make further steps unnecessary because the problem has been corrected.

Certain offenses, sometimes called gross misconduct, are so serious that they result in immediate discharge without the employee being given a second or third chance to correct the behavior. These offenses need to be

explained in an employee manual and emphasized during orientation and from time to time thereafter. Examples of these serious offenses are knowingly endangering another employee; convicted of operating a company vehicle while intoxicated; unauthorized possession of a firearm in the workplace; failure to report a criminal act by another employee; sexually harassing another employee; alcohol or drug use on the job; theft from the employer or a co-worker; fighting; using false information on the application form; and having unexcused absence from work for consecutive days. Immediate discharge from gross misconduct is fair because of the violation's severity.

REWARD SUPERVISORS AND EMPLOYEES

Employees and supervisors appreciate being recognized for what they do well. Employees notice recognition for preventing problems and handling difficult discipline cases particularly well.

Employees remember recognitions. They also notice when recognition is withheld. Recognition can be as simple as a word of appreciation from the employer or as complex as the choice of an employee for promotion. The most common rewards are: attendance awards, safety awards, pay increases and bonuses. An employer's understanding of what employees will appreciate can lead to many other rewards for self-discipline. GPN

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