

## POLICIES, GUIDELINES AND PROCEDURES

SUBJECT	N.E.P.N. CODE
<b>PROGRESSIVE DISCIPLINE: TEACHING &amp; NON-TEACHING STAFF</b>	<b>GCQF / GDQD</b>

### I. POLICY

The Louis Riel School Division (Division) believes that standards for the acceptable conduct of employees are necessary for the operation of the Division and for the benefit and protection of the rights and safety of all students, employees and the public (see [Policy GBEB – Divisional Standards for Employee Conduct](#)).

Progressive discipline, up to and including termination of employment, requires adequate records documenting an employee's misconduct and/or incompetency and/or insubordination, and, if applicable, previous warnings. It is the Division's policy therefore that a progressive discipline process be followed by Supervisors. This policy applies to personal misconduct and/or job incompetence, and/or insubordination, as outlined in the **GUIDELINES** and **PROCEDURES** below.

### II. GUIDELINES

#### A. Application

Where provisions regarding discipline and termination exist within a collective agreement or contract, they shall supersede the present policy.

#### B. Definitions

In the present policy, the following definitions apply:

1. **Employee** refers to anyone employed by the Division, including teachers and other positions covered by the MSBA/MTS Provincial Collective Agreement.
2. **External Agencies** may include but are not limited to: Winnipeg Police Service, Royal Canadian Mounted Police, Child & Family Services, relevant regulatory bodies, Manitoba Education.
3. **Insubordination** refers to wilful and serious refusal by an employee to obey a lawful and reasonable instruction from their employer and includes actions that challenge the employer's authority or disrupt the workplace.
4. **Job Incompetence** occurs when an employee lacks the skill needed to perform the functions of their position to the Division's expectations.
5. **Misconduct** occurs when an employee violates the Division's policies, guidelines, and/or procedures.
6. **Supervisor** refers to the direct supervisor (or designate) of the employee.

<b>Adopted:</b>	December 17, 2024	<b>Legal References:</b> <a href="#">The Employment Standards Code (Manitoba);</a> <a href="#">The Public Schools Act (Manitoba)</a>
<b>Revised:</b>		

**C. Employee Conduct**

When an Employee demonstrates Misconduct, Job Incompetence, or Insubordination on either a one-time or sustained basis, the Supervisor will determine next steps as outlined in **GUIDELINE D** in consultation with the Superintendent of Schools (or designate) and in accordance with the Collective Agreement or Employment Contract, where applicable.

**D. Discipline**

1. Disciplinary action shall proceed against any Employee for just cause. Where it is deemed that just cause exists, the Supervisor shall begin progressive disciplinary action in consultation with the Superintendent of Schools (or designate). Where appropriate, External Agencies will be notified.
2. Potential disciplinary action can include, but is not limited to:
  - Verbal reprimand
  - Disciplinary letter
  - Suspension with or without pay
  - Termination
3. Discipline may not necessarily occur in the order presented above. Depending on circumstances, some steps may be repeated, or some steps may be by-passed. In determining the appropriate disciplinary step(s) to address an employee’s misconduct, the Division may consider factors including:
  - the Employee length of service;
  - the Employee past discipline record;
  - the seriousness of the Misconduct, Job Incompetence, or Insubordination;
  - the Employee explanation; and
  - any other pertinent facts.
4. Disciplinary letters are copied to the Employee personnel file(see [Policy GBL – Management of Employee Files](#)), and copied to the Union, as applicable.
5. In addition to a disciplinary response and/or as part of the disciplinary response / corrective action, an Employee may be subject to a demotion (temporary or otherwise) or may be placed in a different position and/or transferred to a different work site.
6. The Division shall act in good faith in implementing this policy; however, any error on the Division’s part to comply with the **GUIDELINES** and **PROCEDURES** of this policy shall not invalidate any discipline imposed.

**III. PROCEDURES**

- A. Supervisors will ensure that they are consulting and acting with the authority of the Superintendent of Schools (or designate) in the determination and communication of next steps and discipline.
- B. If the disciplinary action taken by the Superintendent of Schools (or designate) is unacceptable to the Employee, the Employee may follow the procedures outlined in the applicable Collective Agreement and/or Employment Contract.

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