

# 4 principles for creating a progressive discipline system



The most reliable way to protect your organization from wrongful termination charges is to establish and enforce a system of progressive discipline.

It allows you to ensure that any employee fired because of inferior performance was treated fairly and in accordance with your policies.

No state or federal law requires a company to establish a progressive discipline policy. But if you do promise one, make sure you follow it. Progressive penalty is an important part of progressive discipline, but it is only one element of the overall system. An employee must understand the reason for the penalty and be given an opportunity to correct the behavior.

Keep these four principles in mind when establishing a new progressive discipline system or evaluating an existing one:

## Principle No. 1: Generosity

The object of progressive discipline should be to rehabilitate employees, not punish them. Always ask an employee for the reason behind the problem. Never take it for granted or assume anything. If the problem is correctable by additional training, specify what steps you and the employee will take to resolve it.

Document everything that is said and done in case the problem persists and you have to go to the next step in the progressive discipline system.

## Principle No. 2: Clarity

Employees must understand that their behavior violates company rules. Employment law differs from civil law in that "ignorance of the law" can be used as a defense.

To make sure your communications are getting through loud and clear, take these steps:

- Be thorough when you are disciplining employees. State exactly how the policy has been violated. Give clear-cut examples of what is unacceptable about the behavior.
- Set the standards to be met so the employees can't claim they didn't know they were doing something wrong. Spell out the consequences if problems continue.

- No matter what the communication situation, try to see it from both sides. Put yourself on the receiving end of your message and see if it makes sense, is complete and provides a solution to the problem.

### **Principle No. 3: Transparency**

If employees are not warned about the consequences of poor performance, a judge or arbitrator may see it as an indication that there hasn't been any effort at rehabilitation.

### **Principle No. 4: Fairness**

Progressive discipline must treat all employees equally. A boss can't slap one worker on the wrist, then fire another for the same offense.

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### **Progressive discipline must happen in this order**

Progressive discipline uses five steps, all designed to inform the employee what he or she is doing wrong and providing every opportunity to improve:

- 1. Oral reprimand** for a performance deficiency or behavioral infraction, explaining what went wrong and what needs to happen instead.
- 2. Written warning** if the problem persists, detailing the objectionable behavior, along with the consequences.
- 3. Final written warning**, perhaps accompanied by probationary status.
- 4. Termination review** by both HR and the employee's supervisor.
- 5. Termination**, the final step.