



Corporate Policy Manual

Policy Name	Policy Number	Responsible Department
Employee Conduct and Disciplinary Procedures	CPM-05-07	Human Resources
Approval Body	Approval Date	Review Date
Chief Executive Officer	November 8, 2022	November 8, 2025

Purpose

This Policy ensures that Niagara Parks' values are illustrated in behaviours and actions conducted throughout the organization both on and off-duty by:

- Welcoming and supporting people of all backgrounds and identities. This includes but is not limited to members of any sexual orientation, gender identity and expression, race, ethnicity, culture, national origin, social and economic class, educational level, color, immigration status, sex, age, size, family status, political belief, religion, and mental and physical ability.
- Conducting yourself professionally. Harassment and exclusionary behavior are not acceptable. This includes, but is not limited to:
 - Threats of violence.
 - Insubordination.
 - Discriminatory jokes and language.
 - Sharing sexually explicit or violent material via electronic devices or other means.
 - Personal insults, especially those using racist or sexist terms.
 - Unwelcome sexual attention.
 - Advocating for, or encouraging, any of the above behavior.
- Establishing and maintaining a positive work environment by promoting harmonious relationships between all staff within the organization.
- Requiring that every employee must adhere to the standards of conduct established in the Code of Conduct for The Niagara Parks Commission and the ethical standards set out in the Public Service of Ontario Act and Regulation 381/07.
- Adopting a philosophy of performance management to include coaching, counselling, and progressive discipline; and,



- Requiring that Niagara Parks employees adhere to the applicable laws governing their employment.

Scope

This Policy applies to all Niagara Parks employees.

Definitions

“Discipline” means an action imposed by the employer as a means to alter an employee’s inappropriate conduct or poor performance and/or clarify expected conduct or performance.

“Employee(s)” means a person(s) who performs work or supplies services for Niagara Parks for monetary compensation excluding external contractors.

“Employee File” means the official employer file that contains information relevant to individual employees and their employment.

“Progressive Discipline” means an increase in severity of disciplinary measures to correct behaviours and to improve an employee’s performance and/or conduct to meet the employer’s expected standards. The measures may be verbal or written reprimands, suspension, or termination. Serious offences may result in immediate suspension or termination.

“Workplace” means the location where employees carry out their work duties. This may include, but is not limited to, office headquarters, work-related social events, external meeting locations, or conference settings.

Policy

Job Duties and Authority

All employees shall fulfill their job duties with integrity and respect toward co-workers, customers, stakeholders, and the community. Employees are to follow direct supervisor/manager instructions and complete their duties with skill and in a timely manner.

Staff/Guest Interaction

1. Embrace commitment, loyalty and respect for the Commission, each member of the organization as well as for our guests. This is an integral part of creating and sustaining a positive and healthy atmosphere.
2. All employees are expected to create an environment inclusive of other employees and/or guests respecting individual differences.



3. Inappropriate comments or actions by anyone which are negative, derogatory, threatening, or slanderous toward either Niagara Parks, or Niagara Parks employees or guests, creates an unwelcoming environment and will not be tolerated. This can occur within the workplace, or by extension of the workplace i.e., social media, where the employee is identifiable as a Niagara Parks employee. Any employee conducting themselves in this manner will be subject to immediate disciplinary action up to and including dismissal.

Public Criticism of Employer

Employees are expected to support policies, programs and decisions of the Niagara Parks and not publicly criticize the Niagara Parks as an institution or employer, such that the public's perception is adversely affected. All employees have a general right to freely express opinions on matters of public policy however this right is limited by an employee's employment relationship. Public criticism may include, but is not limited to letters to the editor, interviews with the media, negative statements to the public and posts on social media sites.

Off-Duty Conduct

Off-duty conduct does not necessarily disconnect an employee from their employment obligations. Inappropriate off-duty conduct can have far-reaching effects on Niagara Parks brand and reputation. Employees must be cognizant that they are representatives of Niagara Parks, both while on-duty and off-duty. While Niagara Parks respects that employees will engage in chosen off-duty activities, they must avoid comments or conduct which could potentially impact Niagara Parks in a negative way. When engaging in off-duty activities, the following five factors will be used to determine whether there is a correlation between their conduct and the employment relationship with Niagara Parks:

1. The conduct of the employee harms Niagara Parks' reputation or product.
2. The employee's behaviour renders the employee unable to perform their duties satisfactorily.
3. The employee's behaviour leads to refusal, reluctance, or inability of other employees to work with them.
4. The employee has been guilty of a serious criminal breach and renders their conduct injurious to the general reputation of Niagara Parks and its employees; or
5. The conduct creates difficulty for Niagara Parks to properly carry out its function of efficiently managing its operations and efficiently directing its workforce.

Incidents of questionable or inappropriate off-duty conduct will be investigated by Niagara Parks, as required, by the appropriate Ethics Executive (Chair for CEO and Commissioners; CEO for staff).

Progressive Discipline

Employees' performance and conduct should contribute to the achievement of the organization's goals and objectives. When employees' conduct or performance is unsatisfactory or fails to meet the employer's expectations, corrective action may be taken using progressive discipline. Serious offences may result in immediate suspension or termination.

Subject to the factors surrounding the violation, the department, in consultation with Human Resources, will determine the most appropriate form of disciplinary action in consideration of the employee's performance or misconduct. Serious offences may result in immediate suspension or dismissal without progressing through verbal or written reprimands.

Disciplinary action may be initiated in situations such as, but not limited to, the following:

- if an employee has not satisfactorily met the work requirements.
- if an employee has breached the employer's policies.
- for inappropriate conduct in the workplace; or
- for off duty conduct that has a detrimental impact on the employment relationship.
- actions that render the employee unable to properly discharge their employment obligations.
- causes other employees to refuse to or be reluctant to work with that employee.
- inhibits the ability of the employer to effectively manage and direct its operations; or
- erodes the employer's trust in the employee to the point that the employment relationship is irreparably damaged.

Discipline should be administered as soon as possible after an incident has occurred. In the event that a workplace investigation is required, this should be completed expeditiously. If discipline is recommended upon the conclusion of an investigation, it should be initiated as soon as possible. For bargaining unit employees, the respective collective agreement provisions, including entitlement to have a representative present during discipline meetings, must be followed.

In situations in which the department decides that an employee should be removed from the workplace while an investigation is ongoing, the employee would be removed from the workplace and their duties with pay.

Progressive discipline is generally outlined in the following manner:

- verbal reprimand or warning.
- written reprimand or warning.
- suspension from duty without pay.
- dismissal

The level of progression of discipline in the manner listed above is relative to the circumstances of the transgression. The level of infraction will determine the appropriate step to be taken in the process. Therefore, discipline may not be progressive in nature, subject to the infraction.

An investigation into alleged misconduct may involve the participation of the police should the matter involve criminal or civil matters. In those instances, the applicable police processes will prevail and may also result in disciplinary action as appropriate.



Termination with Cause

When an employee's misconduct or poor performance is sufficiently serious or where the employment relationship is irreparably damaged, the employer may terminate the employment relationship with cause.

Health and Safety Infractions

Violations of health and safety policies, procedures or legislative requirements are to be addressed in the same manner as any other types of infractions. Coaching, counseling, and progressive disciplinary action is to be utilized, as appropriate, in the situation. Examples of violations include participating in workplace violence or harassment or a failure to wear required personal protective equipment.

Roles and Responsibilities

CEO/Executive Team/Directors

- Ensure compliance with this Policy
- Support the implementation of this Policy and any applicable procedures
- Ensure a workplace which promotes positive employee conduct

Managers/Supervisors

- Advise employees of their expectations for conduct and performance.
- Manage employees effectively by providing ongoing feedback on work performance and conduct.
- Ensure that staff are fully aware of and comply with the requirements of this Policy
- Conduct required investigations
- Ensure that Niagara Parks values are shown in behaviours and actions conducted throughout the organization while on-duty and off-duty
- Supervise probationary employees and provide direction on corrective action during the probationary period.
- Administer the Policy in consultation with Human Resources
- Comply with collective agreement provisions when administering discipline to bargaining unit employees; and;
- Maintain appropriate documentation in the employee's personnel file with respect to discipline matters.

Employees

- Ensure they are aware of and fulfill work expectations.
- Act in a respectful manner in the performance of their duties and interactions with co-workers, managers, and guests.
- Adhere to the employer's policies; and
- Be aware that their off-duty conduct may impact their employment relationship

Human Resources

- Review and revise the Employee Conduct and Discipline Policy as appropriate.
- Provide policy interpretation and guidance to managers and supervisors.
- Provide education and skill development training in the administration of discipline.



- Advise and consult with departmental managers in respect of any disciplinary matter; and
- Assist managers to ensure appropriate documentation is maintained in the employees' file

Education and Training

This Policy will be communicated to all employees:

Related Policies

CPM-01-15-Employment Environment Principles

MPM-05-04-Fiduciary Responsibility and Conflict of Interest

CPM-05-12-Employment Policy

CPM-10-15 Workplace Violence & Harassment & Workplace Sexual Violence & Harassment Policy

CPM-10-00-Health and Safety Policy

MPM-05-24-Orientation and Staff Training

CPM-05-18-Performance Development and Review Program

The Niagara Parks Commission Code of Conduct

Related Procedures

Disability Management Program

References and Consultation

n/a

Record of Changes

<u>Version No.</u>	<u>Date</u>	<u>Section/Content Changed</u>	<u>Change Made / Reason for Change</u>	<u>Change By</u>
2	May 1, 2022	All	Updates	J. Spino



Authorization

"Original Signed"

Name: David Adames
Title: Chief Executive Officer
Date: November 8, 2022

Appendices

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