

Company Didn't Properly Implement Its Progressive Discipline Policy



A front-end driver for a waste disposal company was fired for allegedly damaging a staircase. He filed an unjust dismissal complaint. The company claimed that it had just cause to fire him pursuant to its progressive discipline policy'the driver had been subject to numerous disciplinary penalties over the prior three years. But the driver claimed that the company didn't follow its progressive discipline policy. An arbitrator found that the driver hadn't damaged the stairs. But even if he *had*, the company's pattern of discipline clearly wasn't progressive. After a series of written warnings, the driver was issued a two-day suspension. If the company had been applying progressive discipline, he should've been given a suspension of 3-5 days for the next incident. By regressing to a written warning, it's not surprising that the driver didn't expect his employment to be in jeopardy. The company's failure to impose increasingly progressive sanctions created this perception. So if the arbitrator had determined that the driver had damaged the staircase, he would've ruled that the driver should've been given a longer period of suspension, perhaps with a final warning [*Dominato v. Windsor Disposal Services Ltd.*, [2017] C.L.A.D. No. 9, Jan. 8, 2017].