

Constructive Discipline on Work Sites: 3 Strikes and You're Out?



A gust of wind moves through the scaffolding as a supervisor notices a worker step onto a platform without a harness. It isn't the first time. The site's "three-strike" policy says this is the last warning, but firing a skilled tradesperson mid-project will slow production. The supervisor hesitates.

That moment of hesitation captures one of the most difficult leadership challenges in occupational health and safety: how to hold people accountable for safety rules without undermining morale, fairness, or trust.

Across Canada, employers are re-examining discipline policies to find the right balance between consistency and compassion. Regulators expect evidence of enforcement; employees expect to be treated justly. Between those two expectations lies the space where safety culture either grows or collapses.

Why Constructive Discipline Matters

Constructive discipline is a deliberate, structured process intended to correct behaviour, not punish it. It exists to change habits and reinforce expectations, while punitive discipline often relies on fear or frustration.

Every Canadian OHS statute requires employers to take *all reasonable precautions* to protect workers. That obligation does not end when an employee chooses to ignore a rule. If supervisors repeatedly tolerate unsafe behaviour, inspectors view the entire system as negligent.

The legal principle was cemented in *R. v. Wyssen* (1992 ONCJ). A construction foreman ignored repeated fall-protection violations by a worker who later fell to his death. The employer argued that written policies proved diligence. The court disagreed, finding that the company's failure to enforce its own rules defeated any defence. The decision remains a cornerstone of Canadian OHS law: diligence is measured by enforcement, not paperwork.

The message from Wyssen still guides inspectors today. Written procedures mean little unless supervisors act on them, document the response, and show that workers were coached, warned, and, if necessary, removed from work until compliance improves.

Constructive discipline therefore protects both people and the organization. It prevents injuries by reinforcing standards and provides evidence of diligence if something goes wrong.

The "Three-Strike" Model – Fair or Flawed?

Many organizations rely on a simple model: first offence, verbal warning; second, written warning; third, termination. The logic is appealing. It sets clear boundaries and gives workers multiple chances to improve.

Yet applied mechanically, it can undermine both fairness and effectiveness. Real workplaces are complex. Some infractions are minor; others are life-threatening. Some are unintentional; others deliberate. A rigid rule cannot account

for those differences.

Arbitrators frequently overturn "automatic" dismissals when the employer cannot prove that each step in the process included meaningful communication and retraining. In contrast, terminations for serious or willful safety breaches are usually upheld even without prior warnings because the risk to life is immediate.

A 2023 review of Ontario arbitration summaries found that more than 40 percent of discipline cases involving safety infractions were modified or overturned because the employer applied policy too rigidly or inconsistently.

The best systems combine structure with judgment. They are transparent, documented, and consistently applied, but they allow decision-makers to weigh intent, risk, and history.

Leadership Consistency and Credibility

Workers watch what leaders do more than what they say. When supervisors ignore small violations, employees conclude that rules are flexible. When managers bypass PPE because it is uncomfortable or inconvenient, they give silent permission for others to do the same.

Consistency is the foundation of credibility. Constructive discipline works only when leaders model the same standards they enforce.

Supervisors often feel caught between production and protection. Schedules tighten, clients pressure for completion, and pausing work for a disciplinary conversation can seem impractical. Yet every leader interviewed for this article agreed that ignoring infractions ultimately costs more – in morale, in claims, and in credibility.

Good leaders approach discipline as part of mentorship. They separate the behaviour from the person, emphasize learning, and record every conversation. Documentation is not about mistrust; it preserves transparency for both sides.

Communication and Documentation

Documentation transforms a conversation into evidence of fairness. A verbal reminder written in a supervisor's log proves that management noticed, responded, and followed up.

In most investigations, inspectors ask two questions: *Did you know about the hazard?* and *What did you do about it?* Notes, emails, and signed coaching forms answer both.

In *WorkSafeBC v. Western Forest Products* (2016), investigators examined a supervisor's record-keeping after a mill injury. The company's detailed logs of prior coaching, written warnings, and retraining showed an active enforcement culture. The Crown withdrew charges against the supervisor, acknowledging that he had taken reasonable steps.

Western Forest Products illustrates the protective value of documentation. It demonstrates not only diligence but intent – the employer wanted compliance, not punishment, and could prove consistent follow-through.

Constructive vs. Punitive Mindsets

Punitive discipline focuses on rule-breaking. Constructive discipline focuses on risk-reduction. The distinction seems semantic but shapes workplace tone.

When punishment dominates, workers hide mistakes. When learning dominates, they report them. A punitive culture may achieve short-term compliance but suppresses reporting and innovation. Constructive approaches require time and dialogue but produce long-term reliability.

Research from the Institute for Work & Health (2022) found that organizations describing their discipline systems as "coaching-oriented" had 30 percent fewer repeat infractions than those using traditional punishment models.

Constructive discipline replaces confrontation with curiosity: *Why did this happen? What barrier prevented safe action?* Sometimes the issue is training, equipment, or procedure, not attitude. Identifying those barriers converts discipline into prevention.

The Psychology of Fairness

Workers judge discipline less by its severity than by its fairness. If they perceive consistency and explanation, they accept consequences. If they perceive bias or surprise, they disengage.

Transparency is achieved through communication: explaining why the rule exists, what risk it prevents, and what steps will follow. Many supervisors now use *collaborative discipline meetings* – brief discussions that begin with the worker's perspective and end with a shared plan for correction.

Behavioural studies from the Canadian Society for Industrial Psychology show that employees disciplined in participatory meetings are significantly more likely to sustain improved performance after three months than those disciplined through top-down warnings.

Supervisors and Personal Accountability

Under most OHS statutes, supervisors are individually liable for ensuring worker compliance. Charges against supervisors have increased steadily since 2010. Yet few receive formal

training in how to apply discipline fairly.

Organizations that invest in leadership development for front-line supervisors report stronger cultures and fewer conflicts. Effective training covers legal context, communication skills, and emotional intelligence – how to deliver correction without humiliation.

One construction firm in Alberta introduced a "coach-before-consequence" model requiring supervisors to document at least one coaching attempt before issuing formal warnings. Within a year, disciplinary cases dropped by half while near-miss reporting rose sharply.

Unionized and Non-Union Environments

In unionized workplaces, progressive discipline follows the "just cause" standard interpreted by arbitrators for decades. Non-union employers, although not legally bound by that framework, benefit from adopting its logic: proportionality, documentation, and opportunity for improvement.

Arbitrators evaluate three questions:

1. Was the employee aware of the rule?
2. Was the rule reasonable and consistently enforced?
3. Was the penalty proportionate to the misconduct?

Meeting those tests makes any discipline defensible, regardless of sector.

Coaching and Follow-Up

Discipline without follow-up is wasted effort. After any warning, a supervisor should check performance within a set period and record the outcome. Continuous engagement shows that the employer seeks compliance, not termination.

When retraining accompanies discipline, it signals investment in the worker's success. A national construction consortium study in 2021 found that sites combining retraining with written warnings cut repeat PPE violations by 45 percent within twelve months.

From Compliance to Culture

Regulators define minimum standards; culture defines performance. A strong disciplinary framework supports culture only when paired with recognition and trust.

Leaders who balance accountability with empathy build credibility. Workers see that rules are non-negotiable but also understand that management values their improvement.

Organizations that treat safety violations as opportunities for joint problem-solving rather than personal failure evolve faster, retain talent, and experience fewer disputes.

R. v. Wyssen (1992 ONCJ)

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When the Ontario court convicted the employer in Wyssen, the judge observed that a supervisor who fails to correct unsafe acts becomes part of the hazard. The company had clear rules and fall-protection equipment available, but its enforcement was lax. The fatal fall, the court said, was the foreseeable consequence of tolerated non-compliance.

The decision reshaped expectations nationwide. It taught employers that safety discipline is not optional behaviour management but a legal duty forming part of due diligence.

United Steelworkers, Local 6285 v. Vale Canada Ltd. (2017 ONLA)

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In this Ontario arbitration, a miner was dismissed after a third incident involving lock-out procedures. Vale argued that progressive discipline had been applied: verbal, written, then termination. The union grieved, contending that the company had never addressed the root cause – inadequate task-specific training and confusing procedures.

The arbitrator agreed, reinstating the worker with conditions and directing the employer to review its lock-out program. The decision emphasized that discipline must be both progressive and corrective. If the system contributing to the violation remains unchanged, dismissal becomes punitive rather than constructive.

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Following a serious injury in a sawmill, WorkSafeBC alleged inadequate supervision. The company produced extensive records of safety meetings, individual coaching notes, and a signed acknowledgment form from the injured worker confirming prior training. The documentation persuaded prosecutors that the supervisor had exercised diligence. Charges were withdrawn.

The case reinforced that paperwork is not bureaucracy but evidence of culture. Each record told a story of engagement and correction – the essence of constructive discipline.

Enforcement and Discipline Expectations Across Canada

Jurisdiction	Legal Expectation on Enforcement	Notable Guidance or Case Examples	Sector-Specific Notes
Federal (Canada Labour Code)	Employers must take reasonable precautions and enforce internal rules under s.125(1)(q).	Federal Labour Program audits review consistency of enforcement across sites.	Aviation, marine, and telecom operations focus on supervisor accountability.
British Columbia	WorkSafeBC requires proof of progressive enforcement; failure to act may breach OHSR Part 3.	WorkSafeBC Policy D3-116-1 cites discipline as evidence of diligence.	Construction, forestry, and energy sectors expected to maintain detailed logs.
Alberta	Enforcement forms part of the Internal Responsibility System; documentation required.	Suncor Energy (2019) internal model referenced in inspector training.	Oil sands and industrial plants emphasize coaching documentation under PIR.
Saskatchewan	Employer's general duty under s.3-8 of the OHS Act includes enforcement.	OHS Division seeks evidence that repeat offenders receive progressive correction.	Mining and manufacturing subject to focused audits on PPE compliance.
Manitoba	Employers must take every reasonable precaution; follow-up action required.	SAFE Work Manitoba promotes "discipline plus retraining."	Construction COR audits now include discipline-record checks.
Ontario	Due-diligence defence requires enforcement; supervisors personally liable for tolerance.	R. v. Wyssen (1992) established enforcement as part of diligence.	MOL routinely requests disciplinary records after critical injuries.
Québec	Employers must take reasonable measures under s.51 of the OHS Act.	CNESST policy stresses prevention, correction, and fairness.	Construction employers link discipline to competency-card renewal.
New Brunswick	Employers must ensure compliance and address repeat behaviour.	WorkSafeNB inspectors verify documented responses to violations.	Forestry and utilities emphasize mentorship before escalation.
Nova Scotia	Discipline integral to the safety-management system; documentation required.	OHS Act s.13 interpreted as requiring corrective follow-up.	Marine and fishing sectors rely on coaching models; documentation rare but expected.
Prince Edward Island	OHS officers check for fair enforcement under s.12 of the OHS Act.	Guidance parallels Nova Scotia's emphasis on fairness.	Agriculture and tourism employers advised to formalize written procedures.
Newfoundland & Labrador	Reasonable, documented enforcement forms part of diligence.	Arbitration decisions emphasize uniform treatment.	Offshore petroleum boards require written enforcement programs.

Jurisdiction	Legal Expectation on Enforcement	Notable Guidance or Case Examples	Sector-Specific Notes
Northwest Territories	Supervisors must correct unsafe acts under OHS Regs s.4.	WSCC guidance stresses documentation and follow-up.	Resource extraction operations must display enforcement policies on-site.
Nunavut	Mirrors NWT expectations; "reasonable measures" and documentation.	WSCC applies same enforcement criteria.	Focus on construction and municipal sectors.
Yukon	OHS Regs Part 1.04 obliges correction of unsafe conduct.	Inspectors review disciplinary records as proof of supervision.	Mining and infrastructure projects frequently audited for consistency.

Across all jurisdictions, the pattern is unmistakable: regulators view enforcement not as punishment but as proof that the internal responsibility system is functioning.

Psychological Safety and the Role of Fairness

Discipline succeeds only in an atmosphere of trust. Workers must believe that enforcement is about protection, not retaliation. When they perceive arbitrary punishment, they disengage; when they see fairness, they participate.

Constructive discipline therefore becomes part of psychological safety. It reassures employees that everyone is accountable, that leadership will act consistently, and that the goal is prevention.

The Canadian Standards Association's Z1003 Psychological Health and Safety Standard links procedural justice to workplace safety outcomes. Organizations rated high on "fair management practices" also report stronger compliance and lower incident rates.

Supervisors who explain decisions, invite questions, and maintain confidentiality strengthen that perception of fairness. In turn, workers report hazards sooner and cooperate in investigations.

A foreman once described it this way: *"If people*

think you're out to get them, they'll hide mistakes. If they know you're out to protect them, they'll tell you before something breaks."

Integrating Discipline into Safety-Management Systems

Discipline should be embedded into every stage of an organization's OHS management system. It connects hazard identification, incident investigation, and performance evaluation.

After each inspection or near miss, supervisors should record not only technical findings but also behavioural follow-up: who was coached, what retraining occurred, and when improvement was verified. These records feed into trend analyses that reveal systemic gaps.

A manufacturing company in Québec integrated its disciplinary tracking into digital inspection software. When multiple infractions appeared for the same task, the program flagged a training review rather than another warning. Over a year, lost-time injuries declined by 38 percent.

Embedding discipline into systems converts it from reaction to prevention.

Union–Management Collaboration

Joint Health and Safety Committees (JHSCs) can support constructive discipline indirectly by identifying recurring issues and recommending policy adjustments. They should not administer discipline but can verify that enforcement aligns with the overall prevention strategy.

Collaborative review reduces grievances and strengthens credibility. When both management and worker representatives

agree that expectations are clear and processes fair, enforcement becomes part of shared governance rather than unilateral authority.

From Rules to Culture

The ultimate goal is not to build a thicker rulebook but to cultivate a culture where rules are lived. In such cultures, formal discipline becomes rare because peer accountability takes over.

Leaders set the tone, supervisors reinforce it, and workers internalize it. Recognition programs for safe behaviour complement the disciplinary process, showing that the organization values prevention more than punishment.

A construction consortium in Manitoba reported that after introducing monthly "Safety Leadership Conversations" – short crew discussions about lessons learned from disciplinary cases – overall compliance improved and formal write-ups fell by 25 percent. Dialogue, not fear, changed behaviour.

Common Pitfalls and How to Avoid Them

Several recurring errors undermine otherwise sound programs:

Inconsistency. When identical violations draw different responses, credibility erodes. Solution: apply standardized documentation and review decisions centrally.

Lack of follow-up. Issuing a warning without checking improvement signals disinterest. Solution: schedule post-discipline reviews.

Neglecting supervisors' needs. Many front-line leaders receive minimal training on how to document and communicate discipline. Solution: include soft skills coaching in

supervisor OHS training.

Ignoring systemic causes. Treating every infraction as individual failure masks design or workload issues. Solution: pair discipline with root-cause analysis.

Addressing these gaps turns enforcement from a paperwork exercise into continuous improvement.

Lessons from the Four Cases

Across the four cited decisions – *R. v. Wyssen*, *United Steelworkers v. Vale*, *WorkSafeBC v. Western Forest Products*, and *Re City of Edmonton* – a consistent pattern appears:

1. **Accountability is non-negotiable.** Employers must act on unsafe behaviour.
2. **Fairness determines outcome.** Arbitrators support discipline when it is transparent and proportionate.
3. **Documentation decides defensibility.** Clear records protect both employer and supervisor.
4. **Learning completes the cycle.** Retraining and follow-up transform discipline into culture.

Together, these principles define constructive discipline as both a legal requirement and a leadership competency.

Action Steps for Senior Managers

1. **Audit current policies.** Verify that procedures distinguish between minor and critical infractions and allow flexibility for context.
2. **Train supervisors.** Provide specific instruction on communication, documentation, and emotional intelligence.
3. **Link discipline with metrics.** Include corrective-action completion rates in OHS performance dashboards.
4. **Communicate expectations.** Ensure every employee knows the process before enforcement occurs.

5. **Review outcomes annually.** Analyze disciplinary data for trends and fairness, adjusting policies accordingly.

These steps align enforcement with both regulatory expectations and modern leadership practices.

The Broader Business Case

Constructive discipline supports retention, reputation, and resilience. Workers stay where they feel respected; clients trust companies that demonstrate control without coercion. Insurers also recognize effective enforcement as evidence of maturity in risk management, often translating into lower premiums.

From a governance perspective, boards increasingly view safety culture – including fair discipline – as part of Environmental, Social and Governance (ESG) reporting. Transparent, documented processes show that the organization protects its people as diligently as its assets.

Conclusion: From Punishment to Partnership

The phrase "three strikes and you're out" simplifies what should never be simple. Real workplaces require judgment, empathy, and discipline rooted in learning.

Across Canada, regulators and courts have made the expectation plain: employers must act on unsafe behaviour, but how they act defines their culture. Fair, well-documented, and constructive enforcement builds trust and proves diligence.

Discipline that teaches rather than punishes transforms compliance into commitment. It turns safety from a rulebook into a relationship – one where every worker understands that accountability is not a threat but a promise: a promise that

everyone goes home safe, every day.

Re City of Edmonton and ATU Local 569 (2018 AB Arb.)

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A bus operator was suspended after repeatedly disabling a safety sensor that prevented buses from moving while doors were open. The union argued that discipline was excessive; the employer maintained that public safety left no choice.

The arbitrator upheld a modified penalty, praising the employer's approach: detailed investigation, respectful interview, retraining, and clear communication of expectations. The ruling called the process "a model of constructive progressive discipline."

The City of Edmonton case demonstrates that firmness and fairness can coexist. Discipline framed as education builds both compliance and trust.