



THE GAVEL

Welcome to The GAVEL, a Unifor Local 2002 newsletter dedicated to bringing you information about grievances that have been filed and fought on your behalf –and the arbitrator’s orders to resolve them.

Sloppy timekeeping can get you fired!

The old adage, “better late than never” doesn’t apply at work.

When it comes to absenteeism, letters of discipline are on the rise, specifically regarding lateness. If a tardy employee does not have a valid reason for their conduct, was given adequate warnings and still fails to correct their behavior, they can eventually be terminated.

In the workplace and in the eyes of an arbitrator, all absences are not created equal; it is important to distinguish between “culpable” and “innocent” absenteeism.

Culpable absenteeism: A culpable absence is preventable; the cause could and should have been addressed and corrected by the employee. Some examples include being late for work, leaving work early, or not notifying the employer about an absence. In these instances, employers can discipline the employee, and if the employee is chronically absent, can be terminated for cause.

Innocent absenteeism: This is when absenteeism occurs for reasons beyond an employee’s

control, such as illness or disability. In these instances, employers have the duty to accommodate employees under the Human Rights Code (up to the point of undue hardship).



Progressive discipline: In the case of culpable absenteeism, employers follow a process called progressive discipline.

The concept of progressive discipline has existed in unionized settings for years and the purpose is to give employees the opportunity to correct the behaviour before more severe penalties, such as dismissal, are imposed.

Procedures typically include this following four step sequence:

1. Verbal reprimand
2. Written reprimand

3. Suspension without pay
4. Termination

The employer must prove that it has done all it reasonably could to rehabilitate the employee prior to taking the final step of dismissal. Failure to follow the process of progressive discipline has resulted in numerous judicial decisions emphasizing that the employee was wrongfully dismissed because the employer failed to adequately warn the employee that their conduct was inappropriate and could have serious implications.

An employer can’t justify firing an employee late on one occasion, *but worker beware!* Persistent lateness and absenteeism will lead directly to the unemployment centre.

If you have any questions regarding this or any other workplace issue, please contact lucy@unifor2002.org with your comments or concerns.

In solidarity,

Lucy Alessio
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