

## Tips to assist employers in administering effective discipline

Memphis Business Journal - by Barbara Richman

Discipline, if appropriate and administered effectively, can create win-win results for employers and employees. It can provide an opportunity for management to reinforce the need for employees to refocus their performance and conduct in a direction that is intended to meet organizational expectations. It also can serve as a catalyst for employees to change behaviors that are not in keeping with these expectations.

A proactive environment can have an additional influence on achieving positive results. In an environment of this nature, communication is a priority. Management “walks the talk” and is a role model for employees. Supervisors are attentive to what is occurring in the workplace. An emphasis is placed on having ongoing discussions with employees regarding their performance. It is an environment in which there should be no surprises for employees if discipline, including termination, is required.

The following are a number of tips to assist employers in administering effective discipline:

1. Communicate with employees on a regular basis about management’s expectations for their conduct and performance. Use a variety of written and verbal communications, including policies, performance reviews and day-to-day discussions. Keep documentation as evidence of what has been communicated in the event there is a need to issue discipline.
2. Develop procedures for reporting incidents involving discipline. Designate members of management, such as the human resource manager, who should be contacted. Their involvement will allow disciplinary issues to be viewed from a broader perspective and achieve consistency in decision making.
3. Conduct a fair, objective, and prompt investigation prior to making a decision to discipline. A well-conducted investigation that focuses on obtaining facts and avoiding assumptions lends credibility to the disciplinary process.
4. Review the discipline of similarly situated employees to determine if this current decision is consistent with previous management decisions. If a different course of action is contemplated, ensure that it is based on relevant facts, such the presence of mitigating circumstances, and that there is no harassment, discrimination, or retaliation involved.

5. Examine each situation from an overall perspective in determining discipline. Consider all relevant factors, such as the employee's disciplinary record, the nature and severity of the offense, and whether management's expectations have been communicated.
6. Ensure that management's documentation is accurate and objective and that it supports the decision to discipline. Assess any shortcomings and question whether others would reach the same conclusion if they examined the documentation.
7. Pause before administering discipline if management has been lax in its disciplinary practices. Normally, if similar conduct by other employees has been overlooked, it will be necessary to reestablish and communicate policies and other expectations prior to proceeding with discipline.
8. Determine whether an employee has legal protections that should be taken into consideration before any action is taken. For example, management should ensure that an employee is not subject to discipline based on factors related to protected status, such as race, sex, and religion or as a result of involvement in protected activities, such as filing a harassment complaint or participation in a workplace investigation.
9. Demonstrate respect and stay focused on overall objectives in discussions and written communications related to discipline. Choose language that facilitates understanding and the potential for behavioral changes. Avoid generalizations, such as "you never," and other comments that are likely to create defensiveness or other counterproductive reactions.
10. Ask the employee to sign and date the written notification of discipline (e.g. corrective action form, letter of discipline) to acknowledge receipt. If the employee refuses, that decision should be noted on the notification or witnessed and documented in accordance with organizational practices. This paperwork provides documentation that the employee was informed of the discipline.
11. Gain consistency in the content of written notices of discipline by providing guidelines and training for supervision. Consider each step in the disciplinary process and determine what information should be included, such as the level of discipline administered (e.g. written reprimand), reason for the discipline, expectations of management, and potential consequences if expectations are not met.
12. Only discuss or share information related to discipline with those who have a need to know. Establish an expectation that employees and management involved in investigations and other aspects of disciplinary the process will keep information confidential in accordance with organizational requirements.
13. Provide training for supervisors and other levels of management on the disciplinary process, including their responsibilities and how to effectively address disciplinary issues. Legal problems are more likely to occur if supervision avoids discipline or handles situations inappropriately.

14. Consider seeking the advice of legal counsel when handling disciplinary matters. This input can assist management in taking appropriate actions and avoiding mistakes that can have costly consequences for the organization.

BARBARA RICHMAN is a senior consultant with HR Mpact, a Memphis human resource consulting firm. She can be reached at (901) 685-9084, (901) 496-0462 or [barbara@hr-mpact.com](mailto:barbara@hr-mpact.com).