

Student Zone: HR-related Skill Development: Disciplinary Interview Exercise Chapter 12

The formal disciplinary process is concerned with regulating employee behaviour to produce controlled and effective behaviour. The disciplinary interview is a central part of the disciplinary process, but most managers use the formal disciplinary interview as a last resort. Many managers also lack the basic knowledge and skills to conduct such a legally bound activity. This case study has been devised to help students develop this important management skill and to give them experience of the disciplinary process.

Objectives

This learning activity will show you how to conduct a disciplinary interview more effectively, thus improving the employment relationship and helping to avoid costly grievance arbitration procedures.

Role-playing procedure

Case studies and role-playing can be an invaluable learning experience for students. This exercise should convey something of the real flavour of disciplinary procedures at work. The class is divided into small groups. Each group has (1) a manager (conducting the disciplinary interview), (2) an employee and (3) the security officer (as a witness), and two observers of the interview. The last role is important for the analysis and feedback aspects of the role-playing session. The case takes place in a unionized establishment. The manager has a copy of Articles 25 and 26 from the company's collective agreement (see **Exhibits 1 and 2** below).

Analysis and feedback following disciplinary interview:

Observers complete the 'Interview Observation Sheet', Exhibit 3, and with the tutor give feedback.

DISCIPLINARY INTERVIEWING EXERCISE

Manager's Brief

Robert McKenna¹ was given the team leader's job - on three months probation - six weeks ago. You recommended him, despite his age, and had every faith in his abilities. He is 24 and his partner had given birth to twins just before his promotion. Although you have been keeping your eye on him and have had regular long chats with him every week, he has given you no grounds for concern until last night.

When you arrived for work this morning the following note was on your desk in a sealed envelope marked 'Confidential':

Dear Ms/Mr Friedman,

I was doing my rounds last night as usual when I noticed a light in your office above the machine shop. It was 3:40 am and the machine shop night shift was working normally. I entered by the stores' side door and went first to the team leader's office at the end of the machine shop.

The office was unattended and the light was on. I asked the operator who was working on the machine nearest to the office (Jeff Miles) where the team leader was. He said he thought he was trying to find the duty electrician, as there was some trouble with the wiring on that machine. I went upstairs to your office and through the window in the door I saw your new team leader asleep, sitting at your desk with his head resting on his arms. I knocked on the door but he failed to wake up. I aroused him and he apologized and left almost immediately.

I remained behind to write this report for you. The reason for letting you know about this is because I found him asleep earlier this week, in his own office on that occasion. As he is a new employee, I didn't want to report him that time, but I think he has deserved it on this occasion.

Signed: Lorne Barnsley,
Security Officer

You knew Lorne Barnsley was a fair man and he had been with the company for over ten years. You decided to have a talk with him about his report and you came back to work this evening for that purpose. He confirmed everything he said in that written note and said that he had also recorded the information in the incident book, which he was obliged to complete at the end of every shift. You thanked him and came back to your office.

You have phoned Robert McKenna and asked him to come up and see you. Prepare and conduct a disciplinary interview with Robert McKenna on this incident.

¹ All names in the case are fictitious

DISCIPLINARY INTERVIEWING EXERCISE

Team leader's brief

You are Robert McKenna and have recently been appointed to team leader. You are still on probation as regards this position, but expect that in six weeks time your appointment will be confirmed permanently. This appointment has come at the right time for you, what with your partner recently giving birth to twins and buying a house, you need all the money you can earn.

To date, you have found the team leader's job both interesting and a challenge and believe that you are fulfilling your duties competently. However, it does involve shift work and you find it difficult to adjust to this. In particular, the night shift is a problem since you find it difficult to sleep during the day, your new family keeps you awake in the afternoons and your house is adjacent to a busy road.

Unfortunately this week you have been found asleep on duty on two occasions and as a result face a disciplinary interview with your manager. Being a team leader you are well aware that such an offence can be classed as 'gross misconduct'. Prepare yourself for the interview.

DISCIPLINARY INTERVIEWING EXERCISE

Observers' brief

Observers' role

The observers need to listen for specific instances that have a positive or negative effect on the interview - including the appropriate/inappropriate use of questions/statements, for example open/closed/probing questions. Check for appropriateness of style adopted and its effect upon rapport. Observe the degree of *flexibility* in the manager's approach to the interview - Does he/she set out with rigid objectives; does he/she seek to listen and collect information? Finally, be alert to managers who hear what they want or expect to hear rather than what is actually said.

Analysis and feedback following disciplinary interview:

Observers complete interview observation sheet, Exhibit 3, and give feedback.

DISCIPLINARY INTERVIEWING EXERCISE

EXHIBIT 1: ARTICLE 25 – COMPANY’S DISCIPLINARY PROCEDURE

25.1 Introduction

The following procedure is designed to give fair treatment to an employee who has either committed an offence or misconduct himself/herself on a specific occasion or has continually failed to meet the company's required standards of attendance, timekeeping, conduct or performance. This procedure does not affect the right of the company to summarily dismiss an employee in the case of gross misconduct.

25.2 Disciplinary procedure

(a) First warning

An employee who fails to meet required standards will, in the first instance, receive a warning from his/her supervisor.

(b) Second warning

If an employee for the second time fails to meet required standards s/he will receive a written warning from his/her supervisor in the presence of the shop steward.

(c) Third warning

If the employee continues to give cause for dissatisfaction, a second written warning will be given by the production manager in the presence of the supervisor and the shop steward and will be considered as a final warning.

25.3 Disciplinary action

If the employee's performance or behaviour continues to be unsatisfactory, s/he may be suspended for up to three days or dismissed. Such action will be notified to the employee in the presence of his/her shop steward. In cases of dismissal the length of notice will be in accordance with the Employment Act.

25.4 Appeal

An appeal against either suspension or dismissal may be made to the chief executive officer, whose decision shall be final.

DISCIPLINARY INTERVIEWING EXERCISE

EXHIBIT 2: ARTICLE 26 – CAUSES FOR DISCIPLINARY ACTION

(a) Neglect of duty

It is recognized by both management and the union that a mutual problem exists on the question of neglect of duty and the union undertakes to do everything possible to see that its members live up to the spirit and intent of the agreement.

(b) Definition of gambling and work premises

- i Definition of gambling will be in accordance with local factory rules.
- ii Work premises are defined as the actual factory area and are not to include the town site.

(c) Fighting at work premises

(d) Notification of union standing committee by employer

Wherever practical, management will notify the union committee of its intention to discipline or discharge an employee. Under certain well-recognized circumstances where no premeditation is involved, it is permissible for the company to discharge an employee immediately without recourse to the standing committee. The employee still has the right to present his/her case to the standing committee for consideration and, if deemed proper, the standing committee may follow the usual grievance procedure.

DISCIPLINARY INTERVIEWING EXERCISE

EXHIBIT 3: INTERVIEW OBSERVATION SHEET

Make notes on this sheet of the *strong points* and the *weak points* you observed with regard to the way the manager handled the interview with the team leader. These notes will help you give constructive feedback and suggest how the disciplinary interview might have been improved.

| | STRONG POINTS | WEAK POINTS |
|---|----------------------|--------------------|
| PREPARATION Prepared and cognizant of rules of natural justice | | |
| PROCEDURE OF THE INTERVIEW Getting the facts Questioning skills Listening skills Summarizing and recording | | |
| PERSONAL MANNER | | |
| ASSESSING THE FACTS | | |
| RESEARCHING A CONCLUSION AND PROPOSING ACTION | | |
| OTHER POINTS | | |
| | | |

