



MOHAWK COUNCIL OF KANESATAKE

EMPLOYEE'S CONDUCT AND DISCIPLINARY ACTIONS POLICY & PROCEDURES

Approved by Council: April 15, 2025

Approved by Resolution # 007.2526.00069

(Replaces the previous Employee Conduct and Disciplinary Policy & Procedures, approved by BCR #038.0001.00069)

Table of contents

1.	EFFECTIVE DATE.....	3
2.	DEFINITIONS	4
3.	PURPOSE	5
4.	SCOPE	5
5.	RESPONSIBILITIES	6
6.	EMPLOYEE CONDUCT	7
7.	DISCIPLINARY ACTIONS	9
7.1	Disciplinary process	9
7.1.1	<i>- Level One: Verbal Reprimand</i>	<i>10</i>
7.1.2	<i>- Level Two: Written Reprimand</i>	<i>10</i>
7.1.3	<i>- Level Three: Second Written Reprimand or Suspension Without Pay (1-3 days)</i>	<i>10</i>
7.1.4	<i>- Level Four: Suspension Without Pay (1-2 weeks)</i>	<i>10</i>
7.1.5	<i>- Level Five: Termination</i>	<i>10</i>
7.1.6	<i>- Termination for Just Cause</i>	<i>10</i>
7.2	Acknowledgment	11
7.2	Suspension with pay (Administrative suspension)	11
7.3	Demotion	11
8.	COMPLAINTS RECEIVED	12
9.	RECORD-KEEPING	13
	Appendix A: Acknowledgement of Receipt Form	14

1. EFFECTIVE DATE

This Employee's Conduct and Disciplinary Policy & Procedures was approved by Council on April 15, 2025, and is effective as of April 15, 2025. It will be reviewed at least every five years.

In the event a new or amended version is not approved by April 15, 2030, this version will remain in force.

2. DEFINITIONS

<i>Administration</i>	The Administration Department of the Mohawk Council of Kanesatake.
<i>Council</i>	The Elected members of the Mohawk Council of Kanesatake (MCK).
<i>Disciplinary actions</i>	Measures taken by MCK to address employee behavior, performance, or conduct that violates workplace policies, procedures, or expectations. These actions are designed to correct inappropriate behavior, enforce organizational standards, and maintain a productive and respectful work environment.
<i>Manager</i>	Director/Manager or other managerial position of a department falling under the administrative jurisdiction of the Mohawk Council of Kanesatake and under the direct supervision of MCK's Portfolio Chief(s).
<i>MCK</i>	Mohawk Council of Kanesatake.
<i>Mohawk Council of Kanesatake</i>	The legal governing body of Kanesatake and its territory.
<i>Portfolio Chief</i>	The Chief responsible for supervising a department on behalf of the Mohawk Council of Kanesatake.
<i>Supervisor</i>	An employee who has an immediate supervisory role over other employees.

3. PURPOSE

The purpose of this Employee's Conduct and Disciplinary Policy & Procedures is to provide guidelines for the administration of the Mohawk Council of Kanesatake (MCK) for addressing employee conduct that violates company policies, procedures, or expectations. The policy aims to ensure fair and consistent treatment of all employees while maintaining a positive and productive work environment.

All employees must follow these guidelines, whether they mention the Mohawk Council of Kanesatake directly or indirectly.

4. SCOPE

This Employee's Conduct and Disciplinary Policy & Procedures applies to all Mohawk Council of Kanesatake employees and managers.

Words in the singular include the plural, and words in the plural include the singular.

Where a word is defined, other parts of speech and grammatical forms of the same word have corresponding meanings.

References made to another policy or legislation may be subject to amendments or replacement. In this event, all current versions of said documents will apply.

Where there is a conflict between this policy and the *Canada Labour Code* or the *Canadian Human Rights Act*, then the provision that is more favourable to the employee will apply.

5. RESPONSIBILITIES

The Council is responsible for:

- Approving this Policy;
- Supervising its fair and equitable application throughout the organization;
- Approving amendments to this Employee's Conduct and Disciplinary Policy & Procedures.

The Human Resources Manager is responsible for:

- Supporting the Managers in the application of this Policy;
- Representing the employer for heavier disciplinary actions such as suspension or termination;
- Representing the Administration when required to present disciplinary files to Council;
- Suggesting amendments to this Policy.

The Managers are responsible for:

- Ensuring the application and enforcement of this Employee's Conduct and Disciplinary Policy & Procedures throughout their respective departments;
- Intervening with employees for lighter disciplinary actions such as verbal and written reprimands;
- Ensuring all employees under their direct or general supervision are knowledgeable and receive a copy of the policy or the appropriate tools to consult the Policy;
- Suggesting amendments to this Policy.

Employees are responsible for:

- Familiarizing themselves with this Policy;
- Respecting this Policy.

6. EMPLOYEE CONDUCT

Employees of MCK must always conduct themselves with the utmost professionalism, integrity, and respect. As representatives of the organization, they should honor the community's cultural values, traditions, and heritage. Employees are expected to serve the best interests of the community, maintain confidentiality, and foster an inclusive and supportive work environment. Open communication, collaboration, and continuous learning are encouraged to contribute positively to the community and uphold principles of fairness, equity, and justice.

The Mohawk Council of Kanesatake has established policies to guide and support its administration, which all employees must respect at all times.

For the wellbeing of the administration, employees must refrain from engaging in any political activity or publicly taking a position on issues within the political sphere of the Mohawk Council of Kanesatake, whether during or outside of work hours.

Examples of unacceptable conduct include, but are not limited to:

- **Poor Performance:** Failing to meet job expectations, deadlines, or performance targets despite adequate training and support.
- **Unprofessional Behavior:** Displaying rude, disrespectful, or inappropriate behavior towards colleagues, supervisors, or clients.
- **Violation of Company Policies:** Not adhering to established company policies, procedures, or guidelines, such as social media policy or improper use of company resources.
- **Absenteeism and Tardiness:** Frequently being late, leaving early, or having excessive unexcused absences.
- **Insubordination:** Refusing to follow reasonable instructions or orders from a supervisor or manager.
- **Misuse of Company Property:** Using company property or resources for personal use without authorization.
- **Conflict with Colleagues:** Engaging in arguments, fights, or creating a hostile work environment through bullying or harassment.
- **Neglecting Safety Protocols:** Ignoring or bypassing safety procedures, putting oneself and others at risk.
- **Dishonesty:** Lying, falsifying documents, or providing false information to supervisors or during work-related activities.
- **Poor Attendance Record:** Frequently calling in sick without valid reasons or having a pattern of taking unscheduled leave.
- **Gossiping or Spreading Rumors:** Engaging in or spreading rumors and gossip that disrupt the workplace or harm the reputation of colleagues.
- **Lack of Teamwork:** Failing to cooperate with team members, refusing to share responsibilities, or not contributing to team projects.
- **Misuse of Technology:** Inappropriate use of company email, internet, or other technological resources for non-work-related activities.

- **Breaching Confidentiality:** Sharing sensitive or confidential information with unauthorized parties, compromising the company's privacy or security.
- **Unapproved Overtime:** Working overtime without prior approval from a supervisor or manager.
- **Inappropriate Clothing:** Although we do not enforce a formal dress code for all employees, team members are expected to wear professional and workplace-appropriate attire. For roles requiring a specific dress code, adherence is mandatory at all times.

7. DISCIPLINARY ACTIONS

MCK employs disciplinary measures to address employee wrongdoing, misconduct, insubordination, or failure to adhere to policies and procedures. The organization acknowledges its responsibility to promptly and transparently communicate unsatisfactory performance or misconduct to employees, offering them an opportunity to improve. Whenever feasible, managers will intervene early to address issues before they escalate to the need for formal disciplinary action. For instance, an employee consistently arriving late can expect a discussion with their manager to resolve the issue before receiving a formal reprimand.

7.1 Disciplinary process

Progressive discipline is typically used for disciplinary actions at MCK, following these steps:

1. Verbal reprimand
2. Written reprimand
3. Suspension without pay (1-3 days)
4. Suspension without pay (1-2 weeks)
5. Termination

However, MCK reserves the right to skip steps or impose more severe discipline, including immediate termination, if deemed necessary due to the seriousness of the offense. When an event requiring disciplinary action arises, the following elements must be taken into account:

- Is the employee aware of the policy or expected behaviour?
- Are all facts gathered objectively?
- Has the employee had the opportunity to respond?
- Is the response quick, consistent and reasonable?
- Has the employee been previously counselled?
- Do prior performance evaluations substantiate the employee's ongoing performance deficiencies?
- Has progressive discipline been applied? If not, why not?
- Is the case well documented?
- Is the discipline reasonably related to the seriousness of the offense?
- Has the employee had previous disciplinary action regarding this issue?

Once you have been able to answer all the above questions and gathered the information necessary, you will be ready to have a disciplinary conversation. Depending on the type of conversation (i.e. a verbal, written, notice of suspension or termination), you will have different documentation, tone and a different conversation length.

Each disciplinary action is documented in the employee's file.

Throughout the process, employees have the opportunity to present their case before any action is taken.

7.1.1 - Level One: Verbal Reprimand

The supervisor will meet privately with the employee to issue a verbal reprimand, explaining the reason for the reprimand, the necessary improvements, and the consequences of non-compliance.

The immediate supervisor will notify Human Resources of the verbal reprimand following the meeting, and will transmit a report of the meeting with the employee.

7.1.2 - Level Two: Written Reprimand

The supervisor, with HR assistance, will provide a written reprimand in a private meeting. This document outlines the reason for the reprimand, steps for improvement, and consequences for not complying.

7.1.3 - Level Three: Second Written Reprimand or Suspension Without Pay (1-3 days)

The employee will meet with HR and their supervisor to discuss the situation and expected improvements. The panel will decide on either another written reprimand or a suspension without pay, depending on the circumstances.

7.1.4 - Level Four: Suspension Without Pay (1-2 weeks)

If behavior or performance issues persist, or if the employee fails to cooperate, they may face suspension without pay for up to two weeks. The duration will be determined based on the severity of the situation, under the indication of the Human Resources Manager

7.1.5 - Level Five: Termination

Under approval from the Council, the Human Resources Manager will terminate the employee. The decision is made after presenting the case during an in-camera session. The notice period and severance pay, if any, will adhere to the *Canada Labour Code*.

7.1.6 - Termination for Just Cause

Termination for just cause involves immediate dismissal due to serious breaches of employment contract or company policies. This includes actions such as dishonesty, theft, insubordination, gross misconduct, negligence, conflict of interest, and breach of confidentiality.

7.2 Acknowledgment

A standardized letter of reprimand includes a provision for employee acknowledgement. Ideally, the letter should be delivered in person to the employee. It's important to note that an employee's signature on the acknowledgment does not imply agreement with the letter's content.

If the employee refuses to sign, the employer may have a witness confirm the refusal or use alternative means to verify receipt of the letter.

7.2 Suspension with pay (Administrative suspension)

In exceptional cases, the Human Resources Manager may temporarily suspend an employee with pay pending investigation of allegations. This administrative action ensures the employee is temporarily relieved of job duties while still receiving regular salary and benefits, distinguishing it from disciplinary measures.

7.3 Demotion

With Council approval, a Manager and the Human Resources Manager may demote an employee who, despite adequate training and support, fails to maintain satisfactory performance in their role, provided there is an available position for the employee.

If no position is available to proceed with demotion, termination of employment may be required.

8. COMPLAINTS RECEIVED

If anyone within the organization, such as a Chief, receives a complaint regarding an employee's behavior, they should promptly notify MCK's Human Resources Manager and, if possible, the employee's direct manager.

The complaint will be addressed by either the manager, Human Resources Manager, or both. The person making the complaint will receive confirmation of its receipt but will not be informed of subsequent actions or developments of confidential nature such as disciplinary actions.

9. RECORD-KEEPING

All original letters of reprimand and supporting documents for disciplinary actions must be securely stored by MCK's Human Resources in locked filing cabinets at all times. Managers may also retain a copy of reprimand letters in locked filing cabinets.

Written reprimands in an Employee File may be purged by MCK after five (5) years, provided no additional disciplinary actions have been issued against the employee during that period. However, records of more severe disciplinary actions such as suspension without pay or termination will be retained in the Employee File permanently.

Appendix A: Acknowledgement of Receipt Form



MOHAWK COUNCIL OF KANESATAKE

Employee's Conduct and Disciplinary Policy & Procedures

Acknowledgement of Receipt

I, _____ acknowledge having received the Employee's Conduct and Disciplinary Policy & Procedures, approved by the Mohawk Council of Kanesatake on April 15, 2025. As an employee of the Mohawk Council of Kanesatake it is my duty to read, understand and respect provisions included in the policy.

Date

Employee Signature

Program Manager