

Steward's Guide – 7 Tests of Just Cause

Discipline Case

After the Employer has finished presenting the case against the member, ask questions to determine if their case satisfies the 7 tests of just cause based on the guide below. Take notes under each item. (Use a separate sheet if needed)

1. Forewarning. Did the employee have knowledge of the rule or expected standard of conduct and the penalty that might be applied for the infraction?

Stewards notes:

2. Prior enforcement. Has the employer consistently enforced the rule or standard in the past?

Stewards notes:

3. Due process. Did the employee have the chance to give his / her side of what happened prior to the decision to discipline? Were the procedural requirements in the contract followed?

Stewards notes:

4. Proof. Is there substantial and credible evidence of wrong doing? (Were all witnesses interviewed? Were all relevant documents reviewed? Ask for copies of all evidence. List the witnesses here and attach the documents presented by the employer).

Stewards notes:

5. (Complete after the hearing). Progressive and corrective discipline. Other than in cases involving extreme misconduct, or where the contract mandates a particular penalty, did the employer apply progressive and corrective discipline

Stewards comments:

6. (Complete after the hearing). Consideration of all of the circumstances. Did the employer give proper weight to the employee's past record and all other mitigating or extenuating circumstances?

Stewards comments:

7. (Complete after the hearing). Equal treatment. Was the level of proposed discipline consistent with that imposed in similar cases?

Stewards comments: