



Employee Discipline Management: How to Pursue Disciplinary Actions Effectively and Legally in the Workplaces

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Abstract: Taking action against troubled employees is very important. The organization's failure to act immediately indicates that negative behavior can be accepted or approved by management. If this situation occurs and persists, disciplinary action becomes more complicated and difficult. Problematic behavior requires an effective and accurate response from management by evaluating fairness as well as legally. This issue needs to be addressed wisely. So that the actions taken have a positive impact and motivate employees. Hence this study aims to how management should act in managing disciplinary problems in an effort to create workplace harmony.

Keywords: Employee discipline management, disciplinary actions, disciplinary management

1. Introduction

Dzimbiri (2016) had in today's phenomenon, the word "discipline" has been widely applied and used in the working environment that including most of the organizations. The concept of discipline had been explained by Tumo (2017), where it is usually started by the upper management of an organization in responding to the unacceptable outcome or behaviour that performed by the employees in that working place. The responsibility of an organization is including bringing the employees together so that the defined objectives and goals can be achieved (Okolie & Udom, 2019). Besides, discipline also can be referred as the action of an organization, that has the authority to restrain, correct and control the behaviour or performance of the employees from disrupting the organization from operating smoothly. In the past study by Mukhalipi (2018) also indicated that the function of discipline is to ensure that the efficiency and productivity of the employees are maintained at the specific level. Anthony (2017) stated that it is important for both private sector organization and public sector organizations to apply the Discipline Code, where the harmonious and peace working environment can be maintained. Dzimbiri (2016) indicated that the action of discipline is a need and important elements for every organization in order to improve the performance level of the employees. It has been acting as a backbone of an organization to support the overall system and every individual in the organization by guiding them on how to speak, respond and behave while interacting with one another (Dzimbiri, 2016).

Tumo (2017) suggested that the successful of an organization are depending on the commitment of both parties, which are employers and employees. Tumo (2017) also stated that there are two objectives for the organization to apply discipline on the employees, which are acting as motivation for the employees to achieve the standards that have been set by the organization and to maintain the mutual trust between the upper management and the subordinate. Employees that are disciplined after failing to fulfil the requirement or standards that have been set will tend to improve themselves and be motivated in order to achieve success in the future (Nduka, Okorie, & Ikoro, 2019).

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Misunderstanding between the employees themselves or with the upper management can be occurred if the discipline is poorly-administered. In this case, a well-conducted discipline can enhance the behaviour of the employees, reduce the chance of misunderstanding and an intimate relationship between the employers and employees can be fostered. Therefore, a well-designed disciplinary action in an organization has to be created and developed carefully in order for them to have a better progress for enhancing, encouraging and harnessing the employees to maintain their performance level (Nduka et al., 2019). Past study by Okolie and Udom (2019) stated that some supervisors or managers in the organization might misuse their power and authority to apply those so-called discipline for humiliating the employees instead of training or correcting them. As a results, employees in the organization will treat the whole discipline action system as punitive but not an action that can help them to improve themselves (Okolie & Udom, 2019). Therefore, the quality leadership of the upper management needs to be emphasized by the organization, or else there will be biased and unfair situation exists among a harmonious working environment. Furthermore, Al-Haidar (2018) also highlighted some important points as below while conducting the disciplinary actions.

1. Related issues or problems have to be dealing immediately and consistently.
2. Figure out the facts and truth before implement the actions towards the employee.
3. Ensure that the involved employees are informed about the accusation clearly.
4. Employees are able to be accompanied while stating about their cases.
5. Opportunity is given to the related employees to appeal against any disciplinary actions that have been implemented by the employer.

There is no doubt that discipline actions will be implemented towards the employees if they fail to meet the requirement or obey the company rules that have been set. Common types of discipline actions that can be found in a working environment are including preventive discipline, corrective discipline and progressive discipline (Nduka et al., 2019).

Preventive discipline is the type of discipline action that used to enforce from preventing the employees to violate or deviate the regulations and rules that have been set by the organization. This type of discipline is usually used to prohibit the employees from attempting to undertake some activities that are contrary to the policies of the company. Okolie and Udom (2019) also stated that it is important for to establish an honesty and openness working environment in order for the preventive discipline to be working.

For the corrective discipline, it is the type of discipline action that used to enforce from punishing the employees that violate or deviate the regulations and rules of the company. The essence of this discipline is to execute or strengthen the sanctions on employees who are erred for discouraging the reappearance of the inappropriate actions which might happen among others in the future.

As for the progressive discipline, it is kind of discipline that contains heavier sanctions towards those employees who are misbehaviours in the working environment, compared to preventive discipline and corrective discipline. According to the past study by Okolie and Udom (2019), this kind of discipline action are including four main steps, which are from an oral warning to a written warning, this action also might be lead to the suspension of an employee without pay and ultimately that employee will be dismissed or terminated.

2. Discussion

2.1 Steps of Disciplinary Actions

As mentioned above, past study by Okolie and Udom (2019) had indicated that there will be four steps of discipline actions are including in progressive discipline. The first step of the progressive discipline is oral warning, next step will be sending the written warning letter, suspension of an employee will be the third step and ultimately the company will discharge that particular employee, which is also called as termination process.

The first step of it all is oral warning, which is also namely as verbal reprimand (Nduka et al., 2019). The purpose at this step is to have the upper management such as managers, supervisors or individual that has good communication skill to communicate with the employee that has violated the rules and regulations of the organization (Nduka et al., 2019). This kind of verbal warning is usually given in a setting that is private, the whole conversation and discussion is executed in a kindly but “low-key” way. According to Tumo (2017), A verbal warning will be generally conducted when the related issues cannot be resolved even the manager or supervisor have the attention of the employee by counselling him/her (Tumo, 2017). Nduka et al. (2019) also suggested that verbal warning should be handled by an individual that is good at communication or counselling to prevent the employee from losing his/her self-esteem in this incident. Personal comments should be avoided while having the oral warning (Opatha, 2017). It is important for the supervisor issue the warning to the employee right after the incident happened where the memory is still fresh for everyone who is involving to remember (Opatha, 2017). In the end, the misunderstanding can be alleviated and the direction of the related employee can be clarified where it can lead to the successful elimination of the problem (Tumo, 2017).

As for the second step, which is written reprimand or letter of warning. In this step, it involves the action of sending warning letter from the upper management to the employee who violated the rules and regulations that have been set (Nduka et al., 2019). Past study by Pratiwi and Ranggadara (2018) referred warning letter as a manifestation of an organization in upholding its determination to all the employees. A warning letter is generally sent to the related employee after management failed to resolve the issue through the verbal warning (Nduka et al., 2019). It is important to state that whoever has erred the rules and regulations and whoever has being accused to be guilty through the investigation (Opatha, 2017). Tumo (2017) indicated that the actions of this step are including the reviewing of the related disciplinary actions that have been taken, an overall statement of this situation that lead to the disciplinary actions that are happening at the moment and a clear image of ideals for the future. Furthermore, the documentation for this step is vital and critical. The appropriate form has to be completed by the manager or supervisor that is responsible for this discipline action. A discipline form can be attached to the warning letter if the manager or supervisor tend to clarify the issue clearer or greater detail. It is important for the management to have the warning letter written in simple and clear, so that there will be no any misunderstanding to occur. Based on the company that studied by Pratiwi and Ranggadara (2018), there are three levels of warning letter will be received by the employee. Both first warning letter and second warning letter will have an evaluation period for about three months. If that particular employee violated the organization rules within the specified time, then he/she will get the third level of warning letter, which meaning that he/she will be terminated of employment by the leader of the organization. The objective of sending the warning letter to the employee is to ensure that the violation cannot be repeated and the employee’s behaviour has to be improved. If the employee tend to violate against the rules in the future, then there is no any choice left for the employer to execute severe punishment. (Opatha, 2017).

If both verbal reprimand and warning letter are not working, then the next discipline action that can be taken by the supervisor or manager is suspension without pay. According to past study by Nduka et al. (2019), a violated employee will be suspended if he/she continues to engage with the unacceptable behaviours at the working environment even though there are many warning letters have been received by him/her. Suspension without pay involves the action of removing an individual from the working temporary for particular period that has been set by the employer (Tumo, 2017). The total time of suspension period is usually fixed by the Employee Relations or the supervisor who is in-charged in this disciplinary action. The suspension range can last from 1 to 5 working days or average 3 working days. The range can last for maximum 5 working, which depend of the severity of the case. During this suspension period of time, sick leave or vacation cannot be claimed by the related employee, as the objective of this discipline action is to identify and correct the problem. Investigation will be made by the Employee Relations for collecting the evidence to ensure that whether that employee is guilty or not (Tumo, 2017). However, Nduka et al. (2019) indicated this disciplinary action will lead to some consequences where the violated and suspended employee might behave even worst after being suspended by the organization.

The last step of it all, which is termination or dismissal of the employee. If the previous steps are not able to resolve the problem, then termination of the employee might be the only option (Tumo, 2017). If an employee is dismissed by the employer, it means that the employer owns the strong and sufficient evidence of the employee misbehaved or violated against the rules and regulations of that organization (Nduka et al., 2019). However, issue or problem cannot be resolved completely, unlike the previous steps where the employee is given the opportunity to be heard, explained and understood by the supervisor or Employee Relations (Tumo, 2017).

Beside those four main steps based on the past study by Okolie and Udom (2019), there are some additional disciplinary actions can be found on the past study by Opatha (2017).

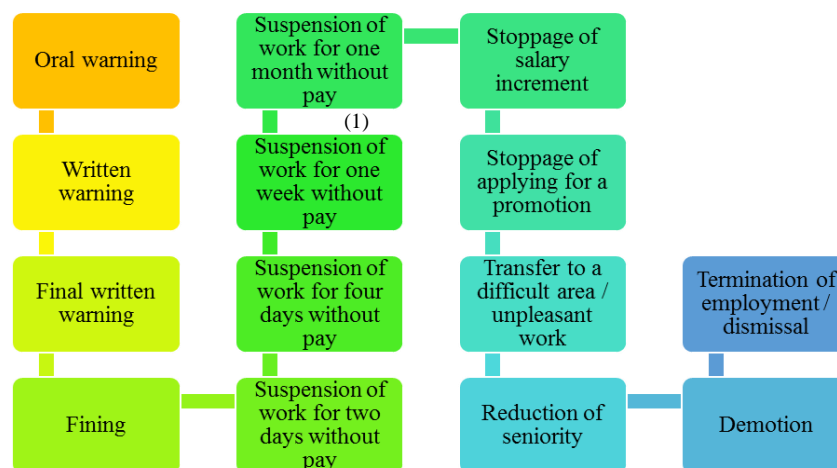


Fig. 1 - Disciplinary actions (Source: Opatha, 2017)

Based on Figure 1 from the past study by Opatha (2017), it showed that there are total 14 steps of disciplinary actions, from oral warning to the termination of employment, which contains more sub-processes, compared to the disciplinary actions that indicated by Okolie and Udom (2019). According to Opatha (2017), employee will receive other disciplinary actions such as employee will be fining before the suspension by the Employee Relations or supervisor. Based on the figure, it is also showed that the length of suspension period can be classified into four levels, which are 2 days, 4 days, 1 week and the longest suspension period can last for 1 month. Stoppage of salary increment and applying for promotion, transfer or reassignment to other unpleasant or difficult working area, reduction of the employee’s seniority and the demotion of one’s position are some of the disciplinary actions that might be taken by the supervisor or employer before reaching the dismissal or termination of one’s employment. Demotion has been indicated by Nduka et al. (2019) as the disciplinary action by reducing the rank or the position of an individual / employee in an organization. Demotion will be applied by the employer if one of the employees was being promoted without unfair or none observance. However, demotion is rarely being conducted in an organization because it causes the decrement in remuneration of an individual or employee and it shows kind of disgrace and embarrassment to an employee when he/she is being demoted (Nduka et al., 2019).

Furthermore, past study by Opatha (2017) also indicated several representatives from different level of an organization management that own the authority for carrying out the disciplinary actions. Table 1 showed the disciplinary actions based on the management level of that organization.

Table 1 - Disciplinary actions according the management level (Source: Opatha, 2017)

Disciplinary Action	Management Level
1. Oral warning	Immediate superior of the offender
2. Written warning	-do-
3. Final written warning	Immediate superior and immediate superior’s superior
4. Suspension of work without pay for up to one week	-do-
5. Suspension of work without pay for more than one week, stoppage of pay increment and similar penalties	Department manager and personal/ human resource manager
6. Transfer, demotion and dismissal	Personal/ human resource manager and top management

According to the Employment Act 1955 Section 12 (3), if the employer tends to send the notice for the termination of employment to the related employee who violated the rules and regulations of the organization, the notice which will be in writing format should not be sent to the employee less than

- a) 4 weeks if the employee has been employed for less than 2 years on that particular date which the related notice is given;
- b) 6 weeks if the employee has been employed for 2 years or above but less than 5 years on that particular date which the related notice is given;
- c) 8 weeks if the employee has been employed for 5 years or above on that particular date which the related notice is given.

Besides, Employment Act 1955 Section 12 (2) also applies to the employee who tends to resign from an organization if the contract has not expired (MOHR, 2012).

3. Conclusion

As a conclusion, it is important for Human Resource Management (HRM) to be alerted and vigilant while dealing with the issues that are related to the employees. In this department, they have the right to reward and discipline the employees, depend on their behaviours at the working environment (Okolie & Udom, 2019). Besides, Human Resource Management (HRM) acts as a backbone of an organization and it is a department that involves making decisions that are related to the organization policies and the practices that its purpose is to build a harmonious employment relationship for achieving the goals and objectives of the organization (Boselie, Van Harten, & Veld, 2019). A set of human resource practices such as employee recruitment and selection, socialization between the employees, further training and development, performance evaluation and others also need to be handled and planned by Human Resource Management (HRM) so that the organization will have a team that is able to reach the goals in the future (Boselie et al., 2019).

Therefore, it is critical for the supervisor or manager to be fair and unbiased in the process of conducting the disciplinary towards an employee (Nduka et al., 2019). Every employee in an organization is deserved to receive the treatment, work, reward and punishment equally and fairly. Bureaucracy management style was suggested by Nduka et al. (2019) to be applied in an organization. This type of management style is more systematic and appropriate way to manage and administrate the organization as the overall processes and procedures are being carried out accordingly

with the rules and regulations that have been set. Hence, the disciplinary actions, which including the warning letter will be more systematic but not terminating the employees without follow any procedure of discipline actions or further investigation (Nduka et al., 2019).

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