

Employee discipline & insubordination



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No manager wants to deal with employee behavior issues, but for most managers, it's a problem that will inevitably come up. From minor infractions to major problems, handling employee discipline swiftly, decisively, and effectively is key to a healthy workplace.

In this special report, we've collected the best of Business Management Daily's advice on employee discipline, write-ups, and insubordination. Whether you're a small business, Fortune 500 company, in-person, remote, or hybrid — we've got the insight you need.

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Employee discipline 101: Managing employee behavior

Very few managers relish the role of disciplinarian. Save the handful of leaders who enjoy flaunting their position of power, most would rather spend their valuable time on productivity rather than punishment. As unpleasant as it may be to point out employee wrongdoings and enact company-sanctioned consequences, however, the task comes with the position. Leaders who shun the responsibility risk appearing ineffective or “wimpy.” They also can endanger the safety, morale, and success of their workplace.

Managers who handle employee discipline in a mature, consistent, and organized manner earn the respect of their staff. Employees subject to disciplinary action may even emerge from the experience motivated to improve and more knowledgeable about how to correct their performance or behavior.

While procedures vary by organization, the following offers a general overview of employee discipline:

Be clear from the start

Good news for managers who dislike confrontation: It oftentimes can be avoided. As the old saying goes, an ounce of prevention is worth a pound of cure. The most desirable way to handle disciplinary matters is to keep events that necessitate employee discipline from ever occurring.

Organizations can convey expectations from day one of onboarding by issuing each new hire a clear, thorough employee handbook for immediate and future reference. Give the worker the opportunity to read the document in full and to ask human resources for any further explanation or clarification. Conclude with the new employee signing a statement that he has reviewed the handbook and understands its contents. This certification avoids potential problems down the line of an employee claiming the company never told him about certain policies.

Each business creates an employee handbook based on its own particular needs and company policies. Many issues, however, commonly appear in any employee handbook. Subjects addressed often include:

- Dress code, hygiene, and facial hair.
- Tardiness.
- Absenteeism.
- Work ethic.

- Insubordination.
- Improper behavior toward colleagues.
- Professionalism.
- Remote work expectations.
- Use of company devices.
- Social media conduct.
- Security procedures, both physical and virtual.
- Confidentiality of company information.
- Alcohol, drug, and marijuana use.
- Theft.
- Bullying and violence.

Spell out what constitutes an infraction. Use examples to illustrate (though state that these cases are to aid with understanding and not meant as an exhaustive list of punishable offenses). Present the typical outcome for initial and repeated violation. Make clear that certain acts are subject to immediate termination.

Outside of the handbook, smart managers think about other proactive measures that can reduce the need for a punitive approach. For instance, some young employees new to the workforce may not fully have a handle on professional appearance and conduct, especially as workplace norms continue to change. They may benefit from being assigned a seasoned colleague to serve as a mentor who can guide them in the right direction.

Or, maybe you have noticed a variety of dress code infringements since the return to the office after the pandemic. Used to wearing sweats at home, staff members may need a reminder about dress code policy. They also may not feel that leadership cares about such things anymore. Plainly stating at the next staff meeting that you will enforce the rules from here on out gives fair warning.

Remain consistent and calm in employee discipline

Sometimes, a manager is tempted to let the behavior of certain people slide. Perhaps she feels weird about confronting a friend or a team member with more years at the company. Maybe she

justifies ignoring inappropriate comments someone makes to colleagues because the person in question is the most productive member of the staff.

Regardless of the relationship or rationale, leaders must discipline fairly. Perceived favoritism sets the stage for work environment discord. And, should a former employee pursue legal action down the line, his case gains strength if able to prove inconsistent treatment of employees with similar offenses.

A misbehaving employee can leave a manager hot under the collar. Avoid overreacting or giving the appearance of “picking on” someone by first allowing yourself a chance to cool off and then addressing the situation. Gaining composure is especially important when action involves written discipline that will go into the employee’s personnel file. This information could be looked at by others – including lawyers – down the line and interpreted as unfair if filled with unprofessional ranting. As noted by Thilo Huellmann, CEO at [Levity.ai](https://levity.ai), “You must be able to record events objectively, which can be difficult when you are emotionally involved. Don’t do it when you’re frustrated or angry.”

Follow the discipline process

An effective way for a leader to stay impartial and act legally sound is to abide by the company’s employee discipline policy. Sticking to established procedures avoids the guesswork in handling matters. Employees – and any lawyers or juries later involved in the case – can see evidence of by-the-book conduct.

Exact disciplinary action varies by organization, but many follow a system of progressive discipline. In this arrangement, the severity of punishment increases when a worker fails to correct the behavior in question.

Progressive discipline policy often begins with a verbal warning, especially for first-time offenders for mild offenses such as violating dress code or coming in late. This reprimand draws the employee’s attention to the problematic behavior. Sometimes, the worker may not even realize she is doing something wrong, and this verbal warning provides a heads-up. For others, it serves as notice that management is watching and expects improvement. Discussions on how to rectify inappropriate behavior can be an important part of this stage.

A more serious offense or one that does not improve despite a verbal warning often merits a written warning. This common next step in progressive discipline usually has a more formal format and greater detail. It also often presents an action plan for change and outlines what might next occur should improvement fail to happen.

Companies generally supply managers with a template for written warnings. Standard paperwork ensures consistency and thoroughness. Exact outlines vary by workplace, but common components include:

- The name and position of the employee.
- The name and title of the person writing the warning.
- The date of the write-up.
- The offense.
- The policy being violated, often with a copy of what is stated in the employee handbook.
- A summary of prior action taken regarding this issue, such as verbal warnings.
- A statement letting the employee know where this write-up will be filed and who within the company will be receiving a copy.
- Space for the employee to comment or present his side of the story.
- Space for relevant signatures.

Written warnings frequently include action plans. These statements present the employer's expectations and how to meet them. Giving an offender as clear a route as possible on how to improve makes the disciplinary process productive rather than simply punitive. People feel encouraged to change.

Written warnings also usually come with possible repercussions for failure to alter behavior. Probation, suspension, demotion, and termination are actions that could come next. Spell out these future actions so that an employee does not feel blindsided if they happen.

At each step of progressive discipline, be certain to follow organizational policies as to who should be present at the meeting or notified afterward. This may involve inviting a human resources representative, a union rep, or even a company lawyer to sit in or review paperwork. Although many activities take place remotely at the present time, do not ignore standard procedures. Failure to include the proper witness or representative in a video-conference now can cause big trouble later.

Termination

The ultimate last resort in employee discipline, firing someone comes about in one of two ways. Sometimes, it is the final punishment after corrective actions fail. If a manager has thoughtfully gone through the process of progressive discipline, this outcome should not come as a shock to the employee being terminated.

The other way an employee could lose a job because of his own actions (as opposed to monetary or restructuring decisions out of his control) is by committing a serious offense that

demands a severe consequence. Companies usually bypass progressive discipline in favor of immediate termination in cases involving:

- Theft.
- Violence.
- Threats against the company, its workers, or its clients.
- Illegal drugs.
- Destruction of property.
- Major lying (such as fudging numbers).
- Sabotage.
- Sharing proprietary information.

Do not expect termination to be easy for either the giver or the receiver of the news. Even seasoned managers may feel nervous during this interaction. Think through the encounter ahead of time to boost confidence. During the meeting itself, avoid beating around the bush. Calmly and respectfully get to the point.

As tempting as it might seem to let someone go via text or email, don't take the coward's way out. When on-site, most businesses use a private, face-to-face meeting. Check company procedures before deciding how to handle things remotely. Some organizations favor a video conference in order to best replicate a personal one-to-one. Others discourage this method for fear the terminated employee can easily record the meeting to dissect it for any possibility of wrongful discharge. These companies tend to prefer a phone conversation that includes a witness.

Protect against future problems

Whether it's a disgruntled former employee claiming wrongful termination or a worker harassed by a colleague charging that the company did not take sufficient action against the offender, employment-related lawsuits are not uncommon. Thus, the importance of meticulous documentation cannot be stressed enough.

"Protect against legal liability," states Sasha Quail, business development manager of [Claims UK](#). "An unhappy employee can easily argue that he was punished unfairly because of a minor infraction. This can occur months, if not years, after an employee has left the business. Filling out an employee write-up form and saving it in the employee's permanent file would guarantee

that you have all the information you need for your protection. When an employee leaves the business, keep these forms and reports for at least three years.”

John Stevenson, marketing specialist at [My GRE Exam Preparation](#) adds, “Include all technical details. Never miss details such as dates, people involved, where an incident happened, or who got impacted by the incident. These details are relevant and significant, especially when things progress to a higher court. While these may seem small, it makes up for a deeper understanding and for the expert to be able to distinguish more of the backstory of a certain incident.”

Make sure records include not only details about each offense but also about what actions were taken to address the problem. The objective is to paint a clear picture of what happened and how your company handled the situation fairly, promptly, and thoroughly. Include as much “hard” evidence as possible, such as statements from witnesses, productivity reports, recaps of verbal warning, copies of pertinent emails, or even screenshots of inappropriate chat messages or social media postings.

Turning discipline into progress

Employee discipline, of course, does not always produce negative consequences such as terminations or lawsuits. Rather, it can serve as a productive way to guide employees to make improvements that will benefit their career.

“Fair disciplinary reports can help your employees to grow,” says Charles McMillan, founder of [Stand With Main Street](#). “Just because they have done something wrong doesn't mean they cannot improve in the future. Let them know what actions would help them to bounce back from mistakes.”

The company’s written reprimand template may include a space for the manager to lay out goals for improvement of behavioral issues or performance issues. Objectives should be clear, specific, and measurable (if possible) to aid in understanding and realization. An employee told she must exhibit greater professionalism, for instance, may have no clue what that really means. However, she’s likely to grasp what management desires if told to get to work on time every day, call if she’s going to be late, stop chewing gum around clients, and refrain from wearing flip flops to the office.

Some organizations favor using a separate, formal Performance Improvement Plan (PIP) — especially for ongoing unacceptable behavior or poor performance. This tool offers a pathway to success by providing a blueprint for what needs to happen. It details a list of goals to complete by a certain period of time, typically 30, 60, or 90 days.

Common elements of a Performance Improvement Plan include:

- A statement about why the PIP is needed.

- Identification of the employee behavior or employee performance problem, with concrete examples.
- A list of actions the employee needs to make to correct the issue.
- An outline of what the company can do to assist in facilitating changes, such as providing regular feedback, assigning a mentor, or offering additional training.
- Creation of a timeline for when goals need to be met.
- Explanation of consequences or disciplinary measures for failing to meet objectives.

Whether a manager uses a PIP or some other method, always follow up. PIPs, write-ups, and other corrective actions receive a reputation as bureaucratic nonsense if filed away without further thought. Show staff members you take these measures seriously by revisiting the stated terms together. If not met, move to the next disciplinary stage. And if improvement has occurred, congratulate the employee on his achievement!

How to write up an insubordinate employee

Employers depend on their workers to perform the tasks asked of them. When an employee decides to ignore a request from a supervisor, business owner, or another person of authority, problems can result. Productivity can suffer, especially if the employee in question's inaction prohibits colleagues from carrying out their responsibilities or forces them to do more to compensate.

Likewise dangerous is the potential effect on the work environment and employee morale. Co-workers often become uncomfortable when they witness insubordinate conduct. They fear being drawn into the situation or forced to take sides. Some staff members look to see if the offender "gets away with it." Slow or non-existent disciplinary action may lead others to engage in similar behavior. Disregarding management can become the norm, and a chaotic atmosphere can ensue.

Good leaders typically will hear out an employee wishing to discuss the necessity or nature of a request, provided the conversation stays professional and private. Insubordination and the disrespectful behavior often accompanying it, however, necessitates a write-up or other disciplinary action as dictated by company policy.

What is insubordination?

When people hear the term “insubordination,” they often envision someone in the military refusing to carry out the orders of a commanding officer. The concept is similar when applied to a work environment.

The [Society for Human Resource Management](#) (SHRM) defines insubordination in the workplace as “an employee’s intentional refusal to obey an employer’s lawful and reasonable orders.” Understanding what constitutes employee insubordination relies on thinking about elements of this definition.

First, the employee refusal must be intentional. It is not considered insubordination if someone fails to do a task because she did not receive the leader’s message. Such cases could result from not being copied on the relevant email, being absent on the day a new procedure was discussed, or a colleague forgetting to relay the boss’s request.

Similarly, a manager should not consider it insubordination if the worker in question did not understand the request. Examine your management style and the clarity of your own communication methods. Encourage the employee to ask questions and summarize instructions. Such measures go much further in this case than taking disciplinary action.

The Society for Human Resource Management definition also includes the key words “lawful” and “reasonable.” Employers should not expect workers to perform illegal acts, jeopardize their safety, or do something morally questionable.

Sometimes, though, cases are not cut and dry. For instance, an employer may insist all employees report to work for their scheduled shifts on a day with inclement weather. A worker who deems conditions too treacherous may decide to defy orders and not show up. Whether or not to consider this action insubordinate behavior becomes open to debate. Rather than a write-up, the human resources department may opt for an alternative such as docking PTO.

Insubordinate behavior vs. insolent behavior

Despite popular images of an insubordinate employee causing a scene, refusal need not be loud or confrontational. Insubordination simply boils down to an employer giving an instruction, an employee knowing and understanding that a request was made, and the employee not completing the asked task. Nobody else in the workplace may even be aware of the situation. The refuser may be so quiet that even the boss does not know of the insubordinate act until he realizes the assigned action did not get performed.

Insubordinate behavior, however, often goes hand in hand with another workplace problem – insolence. Insolence involves inappropriate conduct toward a manager or other person in charge. Such behavior may include mocking, insulting, swearing, using abusive language, or making disrespectful gestures. An insubordinate employee may resort to insolent behavior out of anger or to publicly embarrass or defy someone in authority. Obviously, companies cannot tolerate this type of employee conduct.

The importance of the employee handbook

Handling matters regarding insubordination, insolence, or both, starts with a clear thorough employee handbook. It should define relevant terms and explain what constitutes improper behavior. Use examples to illustrate, but state that these cases are to assist with understanding and not meant as an exhaustive list of punishable offenses.

During onboarding, each new hire should receive and review the employee handbook. Then, the human resources department should obtain a signature confirming the person understands the document's contents. This action proves vital should a worker down the line claim ignorance of conduct expectations and disciplinary policies.

How to deal with insubordination

The first thing a manager who believes she has a case of insubordination on her hands may want to do is ensure the request was actually made, received, and understood. It can be quite embarrassing to accuse someone of insubordination when the instructions you meant to send are still sitting in the draft folder of your email.

Company policy dictates subsequent action. Many organizations employ a progressive discipline system. In this arrangement, the severity of the punishment increases based on how many times infractions occur. This setup enables a first-time offender the chance to get back on track and correct the improper behavior.

Progressive discipline often begins with a verbal warning. This reprimand draws the employee's attention to the seriousness of insubordinate behavior. The manager can point out the relevant section of the employee handbook and outline possible future discipline if such an act occurs again.

The manager also may try to gain insight as to why the insubordinate act happened. Perhaps the employee feels a requested task falls outside of her job description. Or, maybe she worries the assigned task increases her risk of contracting COVID. Getting to the root of insubordination can help in figuring out ways to prevent it from happening again.

Smart managers often write a recap following a verbal warning. This follow-up documents what happened at the meeting. It also serves as a reference should an employee refuse to do something asked of her again.

Failure to heed a verbal warning commonly leads to a formal write-up placed in the employee file. Companies usually supply managers with a template for written warnings to ensure consistency and thoroughness.

A write-up generally starts with the basics: The name and position of the employee, the name and title of the person doing the write-up, and the date of the write-up. The template then moves into space to state specifics about the offense, such as details of what happened and how such

employee behavior violates company policy. A space may exist for the employee to comment or present her side of the story.

Templates also typically address both the past and the future. Space may exist to summarize prior action regarding insubordination, such as a verbal warning. Future behavioral expectations get outlined along with sanctions for not complying. Probation, suspension, demotion, or termination are likely possibilities.

The manager and the offender need to sign the write-up after talking about it. Other people called into the insubordination meeting—a witness, representative from the human resources department, union rep, or lawyer—should sign the write-up, too

Other considerations

Workers who get disciplined sometimes claim they are being singled out or treated unfairly. To avoid such charges, smart managers stay impartial and legally sound by sticking to the disciplinary measures contained in company policy. This consistency shows employees—and any lawyers or juries who could become involved in a wrongful termination case down the line—evidence of by-the-book conduct.

Acts of insubordination can ruffle a manager's feathers. The leader can feel angry, disrespected, or ineffective. He may fear that other staff members will make similar refusals, leading to chaos and a lack of productivity. Despite the strong feelings stirred, however, a manager in this uncomfortable position needs to stay calm and level-headed. Cool off if necessary before any confrontation or write-up. Doing so encourages accuracy and sticking to facts. Venting could come back to haunt you with charges of overreacting or picking on someone. Stay objective!

Similarly, avoid accusatory language that judges motives. Do not state that someone was out to embarrass you. Don't tell the offender he has an attitude. Rather, let the actions speak for themselves. A well-written account enables readers to draw their own conclusions.

Lastly, keep an eye on employee morale. Insubordinate behavior often results from workers feeling unappreciated and unheard. Step up efforts to recognize employee achievement. Give workers ample opportunity to voice their concerns in a professional manner. The best advice on how to deal with insubordination is to prevent it from occurring in the first place.

How to ensure your employee write-up is productive and legally sound

Writing up an employee is an often unpleasant reality of being a manager. However, it's also a necessary one. Writing up an employee sends a clear message that an aspect of the worker's behavior or conduct is unacceptable. Additionally, it serves as a formal record spelling out and recording the infraction.

This notice lays the groundwork for addressing what needs to improve and what consequences may follow if change fails to occur. If the company later terminates the employee and he takes legal action, the write-up can play a substantial role in supporting the organization's decision. That is why it is vital to follow a carefully laid out process to protect the company from potential lawsuits.

This task is never a pleasant experience for either party. However, it can be a productive one. A write-up is not only a notice of poor conduct, but it's also an opportunity to address an existing problem and steer an employee in a more positive direction. When writing up an employee, you should aim to make the process both legally sound and as productive as possible by adhering to best practices.

Follow your company's progressive discipline procedures

Don't immediately jump to a write-up to address a problem with an employee. Organizations typically have a set structure on how to handle matters, such as first issuing a verbal warning. Sticking to these guidelines reduces the potential for an employee later claiming unfair treatment.

Likewise, familiarize yourself with the organizational policy on what situations require a write-up and which require alternate action. A pattern of tardiness or improper dress, for instance, might warrant a write-up. Noticing someone's lack of a certain skill might be better addressed in a performance review. Stealing from the company or acting violently at the office usually demands immediate termination.

Use a standard form

Managers always should use a company-approved template for a write-up. This form makes the process easier and ensures all pertinent information gets included. It also promotes consistency in how employees get written up, which defends against charges of harshness and being picked on.

While the exact outline differs by company, common components include:

- The name and position of the employee
- The name and title of the person writing the warning
- The date of the write-up
- The offense
- The policy being violated
- A summary of prior action taken regarding this issue
- A statement of the employer's expectations and possible results for failing to meet them going forward
- A statement letting the employee know where this write-up will be filed and who within the company will be receiving a copy

- Space for relevant signatures

Get in the right frame of mind

Respect the write-up's importance to both the employee and the company. Avoid filling it out carelessly or vindictively. A complete, objective account sets the stage both for employee improvement and for protecting the employer against wrongful termination claims down the line.

"Do it with a clear head," says Tony Martins, founder of the media platform [Profitable Venture](#). "Sometimes employees can frustrate and anger us, but those feelings have the potential to just worsen the situation overall. I made this mistake early on in my career. I was angry with an employee for making a mistake that cost me a lot of time and money to fix. Because I wrote him up while I was angry, I wasn't clear enough in my expectations. This created a frustrating situation for the both of us that could have ended a lot more smoothly if I had been in a clear enough state of mind to communicate properly."

Stick to the facts

Without emotion or interpretation, state the problem at hand. Provide concrete examples of the wrongdoing, and avoid unnecessary commentary.

Stay away from vagueness, too. The write-up won't help the offender improve if she cannot easily understand the exact actions that led to this form of discipline. Likewise, a lawyer later could look at a page of generalities and claim there is no clear evidence to warrant his client's dismissal.

Cite the violated policy

A worker receiving a write-up may claim he was unaware that his actions were problematic. Thus, it pays to include relevant information from the employee handbook that clearly links the offense to the specific clause it breaks. Employees typically sign a statement when hired saying that they have received and read the handbook, so "nobody told me" becomes an invalid excuse.

Include an action plan

A solid write-up should contain advice on how to right the ship. State what actions need to stop or start. Lay out how changes will be evaluated and what consequences could result from failure to do so.

"It's always important to look forward and include a clear action plan in your write-up. Ensure you have a clear, objective goal that you will both work towards," says Mark Webster, co-founder of [Authority Hacker](#). "For many, this is where things falter. While it might be tempting to simply

write 'don't do it again' and call it a day, this type of goal is far too subjective and doesn't work to fix the underlying problem.”

Set up a meeting

After filling out the write-up, present it in person. If dealing with a remote worker, schedule a Zoom call. A face-to-face conversation conveys the seriousness of the situation, allows you to read body language, and promotes discussion aimed at resolution.

Many companies require another person besides the manager and the employee to attend in order to have a witness present. Be especially vigilant if the offender belongs to a union. Agreements may require a union representative to be present when a member is issued a warning.

Obtain signatures

Before adjourning, all parties present should sign the write-up. Many premade forms include a statement that the signature acknowledges receipt of the write-up, not necessarily agreement with its contents. To encourage good relations, the document may include a section in which the worker can provide his own viewpoint and commentary.

Follow up

Write-ups get a reputation as bureaucratic nonsense if managers just file them away without another thought. While receiving a write-up in and of itself may inspire an offender to improve behavior, maximize success by referring back to its terms. If progress has not been made, the employee needs to know you are still monitoring the situation and will follow through with the next stage of discipline. If the employee has changed his ways, follow-up contact provides an opportunity for acknowledgment. Either way, word will spread that the company takes write-ups seriously.