

## GRIEVANCE HANDLING - JURISPRUDENCE (ARBITRATIONS & CASE LAW)

### HILTON VILLA (LOE VS. LOD) - LEGAL TEST

HILTON VILLA CARE CENTRE (HEABC) AND  
BRITISH COLUMBIA NURSES' UNION,  
[2003] B.C.C.A.A.A. No.30, 15 L.A.C. (4th) 154

Arbitrator Gordon outlined the difference between a letter of expectation (LOE) and a letter of discipline (LOD) as follows:

	Letter of Expectation (LOE)	Letter of Discipline (LOD)
<b>PURPOSE</b>	To counsel and communicate, to identify or clarify expected behaviour in performance of job duties.	To correct poor performance or undesirable behaviour – assumes that discipline is needed to achieve correction.
<b>EMPLOYER'S INTENTION</b>	<p>Helpful, supportive.</p> <p>Examples used only as a means to clarify inappropriate or acceptable behaviour.</p> <p>Support is offered by way of training and/or other resources.</p> <p>Develops, with employee's input, mutual goals to encourage employee's commitment to change.</p>	<p>Disciplinary.</p> <p>Nature of Employee's conduct: culpable—specific incident of poor performance, or infraction of a rule, policy or standard.</p> <p>Should be clearly stated as disciplinary.</p> <p>Does the employee have to grieve the letter to be able to respond effectively to it?</p>
<b>FOCUS</b>	<p>Assumes the behaviour will change in the future, when an employee understands what is expected and is supported in an effort to change.</p> <p>A review period is set to give feedback on progress of change.</p> <p>A future disciplinable offence will be treated with no reference to this letter as a foundation for any progressive discipline. This letter may only be used to show that the employee was aware of the employer's requirements.</p>	<p>Expected the behaviour is identified, but consequences are attached to present and any future failure to meet the prescribed standards.</p> <p>May require compliance with provisions of the collective agreement, such as the presence of a union representative when discipline is imposed.</p> <p>Negative impact on employee's work record. Part of progressive discipline —further incidents of a similar nature may be followed by further possible increased discipline.</p>