

**Subject:** DISCIPLINE vs. ENFORCEMENT

To All:

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Gary

DISCIPLINE vs. ENFORCEMENT  
Compliance from the Front Lines

*September 17, 2007*

Discipline. Enforcement. Those are a couple of scary words. I would say that the problem that people have with discipline and enforcement is that they tend to blend them together instead of separating them. Okay, so let's start at the beginning and separate the two.

### **The Difference between Discipline & Enforcement**

Discipline and enforcement are *not* the same:

1. Discipline is a form of punishment the goal of which is to get a person to change his behavior;
2. Enforcement is when an organization ensures that personnel comply with a set of laws, regulations or standards.

The misconception that people have is using discipline and thinking they're enforcing the rules. This happens when an individual fails to follow the rules and is disciplined, but continues to be non-compliant.

### **Consequence of the Discipline-Enforcement Disconnect**

Let's use a real life example to illustrate this.

**Monday.** One of your employees is working at heights and doesn't "tie off" or use his personal fall arrest, as required. You give him a verbal warning. It seems perfectly appropriate.

**Tuesday.** Same employee. Same problem. Same response. You give the guy a warning and tell him it better not happen again.

**Wednesday.** The same story.

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And on it goes for two weeks. Then, you guessed it, something bad happens. Maybe the safety inspector spots the violation during a routine inspection. Or, worse, the worker falls and in the post-incident investigation it's found that he didn't tie off or wear the required PPE. So your company and the on-site supervisor are charged with an OSHA/OHS violation.

You tell the judge your story. "But your Honor, I gave that worker a warning every time." And then you proudly add: "And I have a written record of each warning." Well, take a look over at the prosecutor/Crown lawyer. I'm betting that he has a big smile on his face. Why? Because you've basically made the case against yourself. You've just proven that you knew about the problem but allowed it to happen by failing to enforce your own safety rules. Your own documentation has thus become evidence in your own prosecution!

### **How to Keep Discipline & Enforcement Separated**

I never tell other people what is appropriate for their workforce. But I will make the point that if you don't develop and implement a disciplinary policy to deal with workers who commit infractions of safety rules, you won't be in compliance with your legal obligations under OSHA/OHS laws (or voluntary standards such as ANSI or CSA).

Here are some of the questions you should ask to determine if your disciplinary policy is appropriate:

1. Is the policy clearly written?
2. Is the policy fair?
3. Do you communicate the policy to your workers so that each person knows what's expected of them?
4. Do you implement the policy and impose discipline on workers who commit safety infractions?
5. Is the policy applied consistently throughout the company in all departments and by all supervisors?
6. Is discipline fair and appropriate to the offense?

One final point: Discipline should be progressive. Unless the violation is flagrant, a single incident shouldn't cost any worker his job. We all have bad days and none of us is perfect. For example, progressive discipline for the fall protection non-compliance scenario above might unfold as follows:

1. First violation: Worker gets written warning;
2. Second violation: Worker sent home for the day without pay;
3. Third violation: Two days off without pay;
4. Fourth violation: A week off without pay; and
5. Fifth violation: Dismissal.

### **Conclusion**

Remember, discipline and compliance aren't the same. You can't have the latter without the former. Disciplining workers who don't obey the rules not only helps keep your company in compliance with legal rules; it prevents workers from committing the kinds of safety infractions that can lead to incidents and injuries.

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