

Warning Letter

As a warning, you do not have to summon the employee to a prior interview before notifying of the penalty.

Employee in question

To

(Employee name) **John Doe**

(Position) **Project Manager**

(Department) **Infrastructure**

Concerned authority

From

(Administrator or the Authority) **Natasha Belinsky**

(Position) **Head of Department**

(Department) **Infrastructure**

Date : **xx/xx/xxxx** *(two months maximum after discovering the wrongdoing)*

Subject : **Written Warning – Unsatisfactory Performance** *(must always contain the words "Written Warning")*

(A written warning is the final call before any further action is taken against an employee. It should thus be effective enough to elicit a positive response from the employee.)

- *Part 1 : summarize the facts. Presentation of the wrongdoing.*

This letter is a warning for your unsatisfactory performance over the past few months. The management and reporting authorities have been closely monitoring your performance, during which it has been found that you have been unable to meet the targets allotted to you for the past 2 months.

- *Part 2 : explain the reasons justifying the sanction (with examples). It must set out precisely the grievances held against your employee and must contain the explicit mention that it is a warning.*

You have been verbally warned previously about your frequent absenteeism which has added to your load of pending work. The projects given to you have been already extended by two weeks and this has indirectly caused substantial loss to the firm.

It is in the best interest of the firm that you give a proper explanation for the failure to complete targets that have cost the firm dearly. Your professional conduct with some of your junior colleagues has also been found to be domineering and difficult.

- *Part 3 : The letter should clearly state that in case the employee is unable to make changes in his or her attitude, or is unwilling to work in the framework of rules established by the firm, the employer will be forced to terminate him/her from the job.*

Please be advised that further incidents of this nature are subject to strict disciplinary action and can even lead to the termination of your employment contract with us.

- *Trial paper : proof that the employee has been advised.*

I acknowledge by my signature below that I have been given the opportunity to present my views and explanations and I am signing this review prior to it being placed in my personnel file. *(You have to keep the warning letter for 2 years in the employee's file)*

(Employee in question)

John Doe

Signature

Project Manager, Infrastructure

(Concerned authority)

Natasha Belinsky

Signature

Head of Department, Infrastructure

Types of professional misconduct

- Non-compliance with the rules of discipline laid down in the rules of procedure or memo
- Refusal to comply with an order from the employer
- Non-respect of the obligation of discretion and loyalty
- Criticism, insults, threats, violence
- Errors or negligence in the work
- Any act of harassment (sexual or moral) committed by an employee

types of sanctions

- Warning or blame
- Suspension

- Mutation
- Demotion
- Dismissal for simple, serious or heavy misconduct

It is forbidden to impose a fine or any other financial penalty on the employee who has committed a fault.

A disciplinary sanction must be justified and proportionate to the fault committed.

In companies where rules of procedure exist, the applicable sanctions are only those provided for in this regulation.

Grounds prohibiting any sanction

The employer can not in any case impose a sanction against an employee in the following cases:

- For a discriminatory reason,
- Employee who has lawfully exercised a fundamental freedom (freedom of expression, freedom of association ...),
- An employee who has suffered or refused to undergo repeated acts of moral or sexual harassment, or for having witnessed such acts or related them, employee who has recounted or testified, in good faith, of acts constituting an offense or a crime of which he would have become aware in the performance of his duties,
- Exercise by the employee of his right of withdrawal for serious and imminent danger,
- Employee who has issued an alert revealing or signaling, disinterestedly and in good faith, a crime or offense, a serious and manifest violation of an international commitment duly ratified or approved by France, of a unilateral act of an organization on the basis of such an undertaking, law or regulation, or a serious threat or harm to the public interest, of which it has been personally aware,
- Employee exercising jury or assessor's duties,
- Refusal of the employee, because of his sexual orientation, of a geographical mutation in a State incriminating homosexuality,
- Employee who exercised his right to strike lawfully

Disciplinary procedure

Heavy punishment

The employer summons the employee to an interview by registered letter or delivered by hand. This letter must be sent within a maximum of 2 months from the day the employer became aware of a wrongdoing, unless the latter gave rise, within the same period, to the exercise of criminal proceedings.

The letter must specify the purpose, date, time and place of the interview. It specifies that the employee can be assisted by a person of his choice, belonging to the company.

Simple sanction

The employer is not required to summon the employee to an interview (unless a conventional or collective provision, or a clause in the internal regulations, provides for it).

The chosen sanction can be notified electronically or by mail, registered or not.