

Angela Atkins, co-founder of Elephant Training & HR, is facilitating an upcoming series of workshops called 'Refresh HR' in conjunction with HRINZ. The October workshop will cover Disciplinary Procedures for dealing with Poor Performance and workshop some of the issues mentioned in this article. [www.hrinz.org.nz](http://www.hrinz.org.nz)



# the poor performance disciplinary dilemma

Employers are getting it wrong more than right when it comes to dealing with personal grievance claims, and one of the key reasons is failure to follow procedure.



**A** recent Employers and Manufacturers Association review of the 521 cases which went before the Employment Relations Authority in 2008 showed that 67 percent fell in favour of the employee. Part of the problem is that in many cases employers have not followed the required process, which is particularly true when it comes to dealing with poor performance in the workplace.

Poor performance issues can seriously impact productivity, team spirit and workplace culture, however the good news is that if you follow the process correctly when dealing with the problem, it may well remedy the problem in the early stages without the need for further action. Essentially the required procedure for dealing with poor performance involves the following steps:

## 1. Discuss and give advice on how to improve

The first step in dealing with poor performance is to have a discussion with the employee about where they are not meeting expectations. An employer needs to give guidance and support as well as discussing what the employee needs to take responsibility for. It's important to put this performance plan in writing, outlining specifically what is needed for improvement, and who will do what by when. The plan also provides written documentation of process having been followed, and should state that if improvement doesn't occur, then disciplinary action may occur.

## 2. Work through a warning procedure

If there is no improvement as a result of stage one then an employer may take disciplinary action and work through giving a

warning. The timeframes will differ depending on the situation. Advise the employee in advance that you want to have a formal meeting with them, setting a date, venue, time and advising that they have the right to bring a support person. The employer must set out their concerns (using the performance plan as a base) and listen to the employee's explanation. The meeting must then be adjourned to decide whether a warning will be given or not. One of the biggest mistakes employers can make is giving a warning without first considering the employee's side.

### 3. Final warning and dismissal

If improvement still doesn't occur, this may lead to a further warning and dismissal.

Recent research in New Zealand showed that in one third of cases, employees will improve at stage one – largely because they have not even been aware they are underperforming!

While misconduct can be quite black and white, poor performance can be harder to deal with. One of the most difficult situations is where an employee is not showing the right behaviours and attitudes. These may include regularly arriving late or abusing their sick leave or upsetting other employees. If you are raising these types of issues, make sure you have enough of an understanding to be specific in discussions with the employee. If you have second-hand information, take the time to observe the employee's behaviour yourself so you can give specific examples.

Poor performance issues relating to not achieving specific targets are a little easier to deal with as they involve clearer measures than attitude. For instance, if a salesperson is not meeting targets, a manager will be able to discuss actual sales targets with them, what their sales figures are and why these are not satisfactory.

**In one third of cases,  
employees will  
improve at stage one  
– largely because  
they have not even  
been aware they are  
underperforming**

In non-sales roles, such as accounts or administration, the key is to find something that is measureable - such as accuracy levels, attention to detail or meeting deadlines and setting out what level is not acceptable.

If an employee is failing to meet required customer service levels, it is important to be specific about the problem. Some companies have set criteria such as requiring employees to 'add-on' to a sale and many call centres record all calls so they can give employees examples if they haven't dealt with the customer appropriately. Specific information is still important, even simply sitting near by an employee and observing can be enough to provide specifics.

In the end, if a personal grievance case for unjustified dismissal for poor performance goes before the Employment Relations Authority, they'll be looking for evidence that the employer has followed procedures correctly and has made a decision which any 'fair and reasonable employer' would make. My book *Management Bites* sets the process out step by step; because if you do follow procedure, you will greatly increase your chances of employees improving, and reduce your risk of a personal grievance claim. ■

**catapult**   
Breakthrough Performance



## **Growing NEW ZEALAND'S LEADERSHIP Three Days at a Time**

SINCE 2003, over 500 individuals from 185 different organisations have trusted *Catapult Leadership* to accelerate their leadership development. Held quarterly in Martinborough and on Waiheke Island, this three day residential programme has an outstanding reputation for delivering transformational leadership insights and practical leadership tools.

*Catapult Leadership* includes follow-up coaching and a project to transfer learning back to the work place.

#### **Remaining Dates 2009**

| <b>Martinborough</b> | <b>Waiheke Island</b> |
|----------------------|-----------------------|
| October 14–16        | November 11–13        |

#### **Programme Dates 2010**

| <b>Martinborough</b> | <b>Waiheke Island</b> |
|----------------------|-----------------------|
| March 17–19          | March 24–26           |
| June 9–11            | June 23–25            |
| September 1–3        | September 15–17       |
| November 24–26       | December 1–3          |

*To find out more, visit [catapultleadership.co.nz](http://catapultleadership.co.nz) or call 04 3888 368*