



Managing Poor Performers

Human nature is such that everyone will have an 'off' day from time to time, however, when those 'off' days become the norm, managers and business owners need to take control of the situation. Employees sometimes need to be reminded of the company's rules and the expectations of management, which may involve reminding the employee of their rights and, more importantly, their responsibilities. Employees have a right to be paid correctly for the work they do, but conversely, employees have a responsibility to perform their role to the best of their ability.

The key to managing poor performers, and what the Fair Work Commission looks for, is the application of due process. This means acting with fairness. In the workplace this means:

Question	What does this look like?
Does the employee understand their role?	<ul style="list-style-type: none"> Is there a current position description in place? Does the employee have a copy of it? Has management discussed the position description with the employee?
Is the employee aware of company/management expectations?	<ul style="list-style-type: none"> Is there a company code of conduct? Was the employee provided induction? Is there a set of company core values documented and shared with the employees? Is there a policy and procedure manual?
Has the poor performance been raised with the employee?	<ul style="list-style-type: none"> Have there been face to face discussions with the employee to highlight the areas of poor performance? Was the employee given opportunity to have an advocate of their choice present? Was an action plan agreed at that meeting? Was the meeting documented? Was any additional training or support offered? Was that training or support provided? Has there been a follow-up meeting? Does the employee understand the consequences of poor performance?

If many of the answers to the above questions were 'No', you may be faced with starting from the beginning to reduce your risk (of an unfair dismissal claim).

The first step is to meet with the employee and clarify what they see their role being. You may need to explain where there are differences in understanding, or to question why certain elements of their role – as they understand it – have not been executed (at all, or at the appropriate level). If no position description exists, this may be an action item to develop one, which can be done with the employee.

All discussions should be documented – no matter what form, a quick diary note is fine – to record the day/time/who was present/topic(s) of conversation/agreed actions. The employee should be given opportunity to have an advocate of their choice present at the meetings – possibly not the first meeting, but certainly as it becomes more apparent that their job could be in jeopardy, they should be encouraged to have an advocate present. Management should also have an advocate present. The role of the advocate is to ensure both parties have a fair hearing, the advocate should not participate in the meeting.

Once an employee is made aware of their poor performance, they must be given opportunity to improve their performance, that means they should be provided additional training and/or (reasonable) time to show improvement (this will vary depending on which behaviour needs to be improved). Improvement also needs to be sustained, eg if attendance is an issue, showing up for work on time on one day is not sufficient to show that behaviour has changed. It is also advisable to meet with the employee regularly (say weekly) to review progress and agree the next step – by doing so it provides opportunity for feedback and to re-calibrate activities. As the employee's performance improves, meeting timeframes can be extended (weekly become fortnightly meetings), until such time as the behaviour is at a sustainable acceptable level.

Having said that, each performance matter is individual, and it is impossible to attach a definitive timeline to the management of poor performers, each case will be different. However, it is reasonable and appropriate for managers to think of a suitable timeframe for improvement in terms of how long it should take someone to adjust behaviour if they have the same:

- Education/qualification
- Experience in the role
- Tenure with the company
- Extenuating circumstances (how long will they exist for).

It is also not necessary to assume that the “3 strikes and you're out” rule applies – every situation is different; it is important though to advise the employee of the possible consequences of poor performance, ie that disciplinary action, and even dismissal, may result.

It is advisable to seek advice from an experienced HR professional to guide you through this process.

Managing poor performance may seem overwhelming – in the long run, it can be very beneficial.....either you'll have an employee who changes their behaviour and is now a high performing team member or the difficult employee will choose to move on to another job. A positive by-product is that other employees will see that you have high expectations and that poor performance is not tolerated (even though performance management processes are confidential, employees know for themselves when a co-worker is not performing to standard).

For your own peace of mind, it is worth the investment of time, effort (and sometimes money) to ensure the impact of poor performance on your business is minimised.



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