

POLICY STATEMENT

The counselling, performance improvement and discipline policy is used to assist employees in their work by identifying the standard of performance required by the company and to provide them with every possible opportunity to improve their performance to match or exceed these standards.

Employees who exhibit unsatisfactory performance or behaviour will be counselled by the Directors so that they understand the standards expected of them and will be offered assistance and guidance in achieving those standards. Diary notes of the sessions are recorded.

If performance continues to be unsatisfactory then the counselling, Performance improvement and Discipline procedure will be used to resolve the situation.

GLOSSARY OF TERMS

CROSS REFERENCES and other RESOURCE MATERIAL

- [Discipline Code of Good Practice](#)
- [Suspension from work](#)
- [Annual Supervisors Appraisal](#)

Prepared by:	Department:	Authorised:	Review Cycle:
D. Reid	Administration	Directors	Bi-Annual
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PERFORMANCE MANAGEMENT

Job Descriptions

Job Descriptions are the base document which outline duties, responsibilities and performance requirements for each position.

It is the responsibility of the Directors to keep all Job Descriptions updated at all times.

This document is utilised during:

- the recruitment process to provide applicant/s with guidelines to duties and responsibilities and to specify selection criteria
- performance evaluations to set measurement guidelines

Probation

Requirements

With changing times, and greater focus on the incidence of unfair expulsions, there is growing concern on the merits of fixed probationary periods and the place they have in the employment situation.

It is important however, that the employer has appropriate mechanisms in place to effectively monitor Employees work performance during ANY “period of review”. It goes without saying that such mechanisms are not limited to the probationary period.

In reality there should be on-going proactive work practices aimed at maximising work place efficiency, Employees performance and inter-personal relationships. Implicit in such mechanisms is the conduct of regular, work performance assessments where the Directors discusses all aspects of the work performed with Employees, and their development and assimilation into the organisation. This includes:

- what is done,
- how it is done,
- when it is done,
- where it is done,
- and why it is done.

This assessment is a forum for communication where the Directors advises the Employees employee on probation of what is going well and what needs improvement in work performance to date, and the probationer is afforded the opportunity to express his or her view. On each occasion this should be followed by the issue of written advice to the Employees employee summarising the discussion and setting out both concerns and compliments.

The intent is to ensure that by the end of the probationary period, monies expended in the recruitment processes have been well spent and the company has invested wisely in gaining a capable, well adjusted team employee. At the same time if the selection has not worked out then **dismissal is neither a surprise nor undeserved.**

More importantly, there can be no cause for the employee to claim, "I have been unfairly dismissed" because there has been consistent counselling throughout the probationary period with documentation and verbal criticisms and the procedural fairness aspects of disciplinary counseling requirements have been met.

Legislation does not exclude employees on probation claiming relief from unfair expulsion (trainees and apprentices excepted), however, those persons are excluded from Unfair Expulsion provisions persons employed for a probationary or trial period, provided that the duration of the period:

- (i) is determined in advance; and
- (ii) is reasonable, having regard to the nature and circumstances of the employment.

There is nothing wrong in offering an appointment to a person where that offer includes a "probationary period." If sufficient time and effort is put into careful selection in the first place, the chosen employee should be able to satisfy the employer within a short period of time, that they are capable of meeting the employer's expectations and requirements.

Nevertheless an employer dissatisfied with the performance of an employee during the "probationary period" (or at any other time) should have no fears in terminating the employment contract if the circumstances warrant the action, and there has been demonstrable compliance with procedural fairness requirements.

Irrespective of whether a dismissed employee claims under, the responsibilities of employers remain the same. It is the employers responsibility to ensure that there are processes in place to minimise the risk of a claim for an Unfair Expulsion.

End of probationary period evaluation

At the completion of the employee's probationary period, the relevant Directors will review performance with the employee and record results on an evaluation form.

The evaluation form must be signed by the employee, and the employee's immediate manager prior to it being forwarded back to the Directors.

Annual Evaluations

All employees will be evaluated annually by the Directors or their direct supervisor.

Directors Level and Upwards

- Performance evaluations for all employees shall be completed by May covering the preceding calendar year.
- Evaluations will take place in April each year.
- The employee must independently complete the management worksheet prior to the meeting, which encourages proper preparation and involvement from the employees employee about their own performance.
- Mid-year reviews are undertaken and recorded to ensure that objectives are on track and still relevant. Overall feedback should also take place.

- Formal performance evaluations can be carried out at other times during the year if a transfer or promotion is applicable.
- A career planning meeting should be set if requested by the employee.

It is company policy that all evaluations shall be approved by the employee's own supervisor before they are forwarded to the Directors.

Other Options

Where issues are of a serious nature requiring immediate action, the Directors have two further options available:

- Suspension OR
- Instant Dismissal

DISCIPLINE / COUNSELLING EMPLOYEES

The company exercises discipline over its employees to encourage sound performance. In the event of unsatisfactory performance the following process is to be followed.

It is essential that all disciplinary interviews are;

1. Conducted in a fair and consistent manner
2. Based on objective standards
3. Clearly and adequately documented
4. Conducted in the presence of a witness

To manage performance effectively, the Directors must:

- Make sure that employees know exactly what is expected of them and set standards of performance
- Provide adequate training so that employees have the knowledge and skills required to do the job
- Remove all obstacles that interfere with the employee doing the job properly

When is disciplinary action appropriate

Disciplinary action is an appropriate solution to a performance problem if the Directors are assured that;

- The employee knows what the job entails (job description)
- The employee knows how to do the job (training)
- The employee knows exactly how well they are doing (feedback)
- The job needs to be done (relevance)
- It makes a difference whether the job is done correctly or incorrectly (significance)
- Nothing prevents the employee from doing the job properly (obstacles)

Once the Directors has made sure that the employee has a job description, is well trained and that there are no problems with feedback, consequences, obstacles or punishment, the Directors have done all they can. Disciplinary action is now appropriate to bring about a change in the employee's performance or behaviour.

Performance and Behavioural Problems

A performance problem represents a difference between the performance a Directors wants or expects from an employee and the performance the Directors actually gets from the employee. A behavioural problem is an action of an employee which can be measured against a standard.

All such need to be resolved. Some are extremely serious and may result in further disciplinary action being taken, whereas other problems can be resolved simply by discussion.

In order to establish that an employee has a performance or behavioural problem, the Directors must be able to specifically state the desired performance/behaviour or action expected and specifically state the actual performance/behaviour of the employee.

Determining Acceptable Performance

Performance problems frequently arise because the employee does not understand what is considered acceptable performance.

The Directors must determine the minimum level of acceptable performance for every job or task that the employee is expected to perform, they then must communicate this to the employee in addition to how the performance will be measured.

Timing of Disciplinary Action

There are two important points about the timing of disciplinary action;

1. The Directors should conduct whatever investigation is required and take the appropriate disciplinary step. The disciplinary action should take place immediately – as soon as possible after the incident has occurred and has been investigated.
2. Disciplinary offences must not be allowed to build up before action is taken – if an employee commits an offence which the Directors does not feel is sufficiently serious to justify a formal warning, the Directors should hold an informal conversation with the employee.

First Warning

The purpose of the first warning is to correct a performance problem by bringing it to the employee's attention in a friendly but serious manner.

The first warning should be used after the Directors are sure of the following;

1. Previous informal conversations with the employee have had no impact on solving the problem.
2. The employee knows exactly what is expected.
3. The employee is properly trained.
4. Nothing is preventing the employee from performing properly.

During the meeting;

1. Talk to the employee privately.

2. Describe the specific problem in terms of desired performance and actual performance (be able to provide specifics – dates, situations, people involved).
3. Review previous informal conversations about the problem.
4. Ask for reasons for the situation. Listen and respond emphatically.
5. Make sure the employee knows exactly what you expect, agree on specifics.
6. Tell the employee that this is a first warning. Indicate your confidence in the employee's ability to change.
7. Set a date for review.
8. Document conversation – all disciplinary actions must be documented, documentation is strictly confidential.
9. Prepare and issue warning letter after the meeting (if required). Indicate the action you must take and why. This allows for the issues and employee responses to be taken into account for consideration of the course of action to be taken

The reason for documenting warnings is to provide the Directors with a record of the contact in the event that further warnings are necessary at a later time, records are also important for continuity whenever there is a change in Directorss.

Second Warning

The purpose of this warning is to correct a performance problem by giving the employee notice that they must change their performance or behaviour. The second warning is used only after a first warning has been given and no change in performance has resulted.

Procedures to follow before the meeting;

1. Review your records of all previous conversations and first warnings.
2. Seek assistance from superiors.
3. Make an appointment with the employee and indicate that the employee may have a witness present. This should be confirmed in writing and allows at least 24 hours notice.
4. Arrange for an employer witness to be present.

During the meeting;

1. Describe the specific problem in terms of desired performance and actual performance.
2. Review previous conversations and the previous warning. Discuss the previous agreements which were reached to bring about improved performance.
3. Give the employee a chance to respond and explain. Listen and respond empathically.
4. Make sure the employee knows exactly what you expect. Agree on specific behaviour and establish follow up dates to review progress.
5. Advise the employee that this is a second warning, that the situation is very serious, since any further problem or violation could result in a third and final warning.
6. Document all discussions held in the meeting, also indicate who was present including witnesses. Documentation is strictly confidential.
7. Prepare and issue warning letter after the meeting (if required). Indicate the action you must take and why. This allows for the issues and employee

responses to be taken into account for consideration of the course of action to be taken

Monitor employee's performance after the meeting, hold reviews and if performance is consistently satisfactory record in personnel file (along with other disciplinary documentation) and verbally advise the employee of their improved performance.

If performance fails to improve satisfactorily, move to the third warning in the disciplinary process.

Third / Final Warning

The purpose of this warning is to correct the ongoing performance problem. It is an extremely serious step, in the event that performance does not change termination of employment is the next step.

This warning involves the same pre meeting preparation and meeting guidelines as outlined for the second warning. Directors consultation with senior management would also be advised. The employer witness may be a more senior employee than that used in the earlier stages.

Dismissal

Dismissal occurs when all the previous steps have been taken and there is no change in the employee's performance or behaviour.

There are two possible circumstances under which expulsion occurs:

- Planned or investigated expulsion – where previous stages in the discipline process have been followed.
- Instant expulsion – expulsion resulting from an offence which is so serious (eg; assault, theft, abuse of clients, sexual harassment) that expulsion is appropriate whether or not any of the previously discussed disciplinary steps are taken.

Before the meeting;

1. Prepare and collect all supporting documents. Discuss the planned expulsion with senior Managers.
2. Prepare termination letter and have it approved by the Directors (in the case of instant dismissal)
3. Arrange appointment with employee, encourage them to bring a witness (this may occur in the same day, particularly in the case of instant dismissal)
4. Arrange company witness to attend.

During the meeting;

1. Describe the specific problem in terms of desired performance and actual performance.
2. Review previous conversations and the previous warning. Discuss the previous agreements which were reached to bring about improved performance.
3. In the event of an instant expulsion discuss the situation/incident that has occurred.

4. Give the employee a chance to respond and explain. Listen and assess responses.
5. Confirm the continuing issues and advise that due to the serious nature of the incident or due to lack of performance improvement despite provision of the opportunity to do so employment is being terminated.
6. Issue employee with letter of dismissal (optional).

After the meeting;

1. Issue letter of dismissal (if not already issued).
2. Collect all company property in the employee's possession eg keys, tools, uniforms, manuals.
3. Escort the employee from the premises.
4. After employee has left advise senior management.
5. Collect and file all documentation about the employee in personnel file.

Other Issues

Repeating a step – this may occur when a significant amount of time passes between warnings. The basis for repeating the step is the Directors judgement that a first or second warning may be more effective than moving onto the next more serious step.

Skipping steps – this may occur when an employee commits an extremely serious offence and some or all of the steps may be skipped. If the offence is of such a magnitude that the person's continued employment cannot be tolerated, dismissal can occur without any of the previous steps taken.

NOTE: Under no circumstances are employees to be dismissed without prior approval from the Directors.

Should a serious incident occur after hours the Directors or will take responsibility for ensuring the employee is suspended pending the decision of the Directors. Suspension must allow for allegations clearly presented to the employee, enabling them a chance to explain/refute the allegations.

SAMPLE LETTER DISCIPLINARY ACTION – WARNING

Dear,

Re: FIRST/SECOND/THIRD WRITTEN WARNING

The purpose of this letter is to advise you that as a result of a disciplinary interview held on -----(date) attended by -----(list attendants) you are issued with a formal warning for;

- (list issues)

In the meeting it was agreed that;

- (specify performance expected, time frames)

Further review of your performance will be held on -----(date) with----- (name of Directors or other).

Please be aware that copies of this documentation will be placed in your personnel file.

Additionally you should be aware that failure in performance improvement or further instances of unacceptable behaviour may lead to termination of your employment.