



## Staffing Advice

### How to address poor performance

When you confront a poor performer one of two things will happen, they will either pull up their socks or they move on. However, as simple as confronting poor performance sounds, it is estimated that less than a third of managers are seen as doing a good job tackling poor performance by their employees. It seems managers would prefer to avoid confrontation at all costs, perhaps out of fear that they could hamper staff morale or face a further decrease in the performance of the culprit.

In South Africa, the situation is exacerbated by labour laws which require a stringent adherence to procedures and protocol, failure of which could result in a date with the CCMA. It comes as no surprise then that poor performers are often allowed to continue unpunished, while bringing everything down with them including your profits, your customers and everyone else in the company.

There are certain legal qualifications which need to be appreciated in addressing poor performance. The first is the distinction between under performance and misconduct.

Performance is about how well the employee does the job whereas misconduct revolves around the employee's behaviour or conduct in relation to the company's rules, policies and procedures. Misconduct usually results in immediate and severe disciplinary action, even dismissal. Performance, on the other hand, requires investigation, counselling, monitoring and training before dismissal can be even contemplated. In other words you can fire someone instantly for stealing from you but not for underperforming unless you can prove without a doubt that intervention has yielded no improvements.

You must also ensure that the employee is fully aware of the company standards for the job and that sufficient training has been provided for the employee to be able to do the job. Failure to prove otherwise and your case for poor performance will be thrown out the window.



So how do you remedy poor performance?

The first step is to hold an informal meeting with the employee. You explain where the employee is falling short, what standard is not being met, and discuss the matter fully to see if the reason for the poor performance can be established. It may be a domestic crisis that the employee has or it may even be a work related problem, like a personality clash with a colleague or a supervisor.

Whatever the cause, try to find a mutually acceptable way of dealing with it: it may be training that is required; it may be that you have to refer the employee to an outside body such as a debt councillor.

It is vitally important that all the proceedings are recorded in detail. These records will be required if you eventually have to dismiss the employee and the matter is taken up with the CCMA. You will have to prove that correct and fair procedures were followed, and you need written records to do this. Remember that in a case of unfair dismissal, the employee only has to prove that a dismissal took place. The employer must prove the fairness of the dismissal.

At the end of the counselling session, the employee must be warned of the consequences of failure to improve where such warning is appropriate.

You will need to closely monitor the employees performance with regular check-in's and feedback, all of which must be documented. Training, coaching, mentoring are all elements to be implemented during the performance management phase to ensure the employer has taken reasonable steps to remedy the underperformance.

If the matter comes to dismissal, then the Code of Good Practice – Dismissal must be applied, as well as your own procedures. You are obliged to consider whether the employee did in fact fail to meet a performance standard, if he or she could reasonably be expected to have been aware of the required standard, whether a fair opportunity was given to the employee to meet the required standard, and most importantly you must assess whether or not dismissal is an appropriate sanction under the circumstances of the case.

Generally speaking, and considering all the facts of the matter, you should spend as much time as is reasonably expected to show that the employee was afforded all reasonable opportunity to rectify the matter.

