

# Dotting the i's and crossing the t's

Employers should not ignore poor performance. While a performance management process may be time-consuming, it is essential to manage such employees properly and follow a legally correct process. We set out below a very simple process for employers to follow in managing employees' poor performance. However, if employees' employment agreements, policies or procedures outline a specific performance process, this must be followed instead.

## **Set the standard**

- Ensure employee knows the performance standards required of them.
- Regularly monitor employees' performance and provide feedback.
- Provide training and assistance.
- Keep a paper trail of all assistance provided.
- If the employee performance does not improve, commence the following process.

## **Notify the employee**

- Gather evidence regarding the employee's poor performance
- Write to the employee setting out the company's concerns, inviting the employee to a formal meeting, and advising them of their right to representation.
- Outline that the purpose of the meeting is to hear the employee's response to the company's performance concerns, before a decision is made as to whether any formal disciplinary action will be taken.

## **Meet the employee**

- Advise the employee that no decision will be made at the meeting regarding any possible formal disciplinary action that may be taken.
- Provide the employee with any evidence of poor performance, and outline the performance issues.
- Allow the employee to explain their poor performance.

## **First written warning**

- If the employee offers an adequate explanation, advise the employee no further disciplinary action will be taken.
- Where the employee's explanation is not satisfactory, a first written warning can be issued.
- The letter to the employee should state that it is a formal written warning. The letter should also outline the performance concerns, what the employee must do to improve and set out a reasonable time frame for review such as one month. Advise the employee that their performance will be monitored on a daily/weekly basis. The employer should also provide training and assistance to the employee. Advise the employee that unless their performance improves, then further disciplinary action could occur, which may lead to dismissal.
- A performance management plan could also be drawn up, which outlines the performance standards required, and assistance provided to the employee to meet those standards.

## **Continued poor performance**

- If the employee's poor performance continues, the employer should hold another meeting, following the above steps, and could issue the employee with a final written warning.
- Where the employee's performance remains poor, the employer can dismiss the employee, following steps three and four above.

Generally this process will take around two to three months to allow an employee time to improve, before an employer is able to dismiss such an employee. However, if matters become strained or difficult you should consider seeking legal advice.

Supplied editorial

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