

Employees Behaving Badly?

Arguably, every employer at some stage needs to deal with an employee who is not performing as per your expectations, the business owner and/or manager. But, how do you know if your expectations are realistic?

If you consider your past behaviour in relation to an employee performance issue, can you honestly say that what you said and/or did was in line with what other employers would have done in a similar situation?

Tough questions, made harder because many business owners don't quite know what constitutes poor performance, misconduct or serious misconduct. What you might want to class as serious misconduct in your business may only be seen as a poor performance matter in another business.

Disciplinary Matters

I want to say this at the start of this article, whenever dealing with disciplinary matters it is a good idea to get advice and feedback from a HR consultant or employment lawyer.

So what are the different types of disciplinary matters that may arise when you have employees within your business?

1. Poor performance

"Norris, this is the 100th time that you have sent out these documents incorrectly to our clients!!!"

- Repeated poor performance i.e. lack of attention to detail, continual mistakes when you know the employee should (and does) know better, not meeting deadlines and regular customer complaints, can all be seen as 'poor performance'
- The process for managing poor performance (as with any disciplinary procedure) is quite protracted – but necessary to make things as fair and objective for all parties involved. This is an abridged version of the steps in the process that are necessary. Firstly, meet with the employee, focus on their job description and accountabilities, highlight the areas of concern and put a plan of action in place to improve performance. Sometimes training may be necessary... but if the poor performance doesn't improve with support, guidance and opportunity, it may be necessary to exit the employee from your business

2. Misconduct

"Johnson refuses to wear the protective clothing provided; he says it makes him look daft"

- Misconduct could include failing to carry out a reasonable and lawful instruction from an employer, breaching work rules (as per the example above), breaching

implied terms of the employment agreement i.e. passing on confidential information, dishonesty or insubordination

- Again, there is a required process for managing misconduct and it will depend on the level of the misconduct as to what penalties will result; be that suspension, a warning or dismissal

3. **Serious Misconduct**

"You are being dismissed for being drunk on the job"

- Certain situations and scenarios may lead to instant dismissal within your business and these tend to fall under the following headings –
 - o **Serious misconduct** i.e. fighting and being drunk at work, stealing from the employer, behaviour which is incompatible with the normal performance of a person's duties
 - o **Wilful disobedience** i.e. deliberately disobeying lawful and reasonable instructions from an employer
 - o **Serious neglect of duty** i.e. disregarding safety precautions that could put innocent parties in danger
 - o **Gross incompetence** i.e. not having the skills that an employee claimed to have at the interview, meaning they are unable to perform their job

As I stated at the start of this article, the processes for handling these matters are clearly defined but quite intricate. Seek advice on disciplinary issues, be it misconduct or poor performance to protect yourself as an employer and to ensure that you are being fair and reasonable in your actions.