

Formal Performance/ Behaviour Discussion File Notes

STRICTLY PRIVATE & CONFIDENTIAL

(tick appropriate box)

- Informal Performance &/or Behaviour Discussion
- 1st Formal Performance &/or Behaviour Discussion
- 2nd Formal Performance &/or Behaviour Discussion
- 3rd and Final Formal Performance and/or Behaviour Discussion
- Suspected Misconduct Discussion

Employee's Name:.

Date:

Position:

Location:

Manager/s present:

PREPARATION - COMPLETE Q.1-4 BEFORE THE MEETING

Steps to follow:

1. Explain to the employee that this is a formal Discussion for Poor Performance or Suspected Misconduct
2. Articulate clearly to the employee the incident (give examples)

This is an example: Please remove and type in your situation

We are here to discuss the incident that occurred last Friday (17/04/2015) at approximately 7.15pm. The incident was of a serious nature where you were immediately suspended on full pay while an investigation was conducted. The incident details are:

On 17th April you pulled a trolley full of product from the WIP chiller and placed it under a ceiling that had been sprayed with chemicals and was ready to be washed off.

This incident is a breach of our quality assurance and food safety policies and practices and caused a significant financial loss to the business due to contamination of product.

When approached about this you were aggressive and abusive towards Tom, Shift Supervisor on several occasions, one being during Tom's discussion with you regarding the incident on Friday (of which you denied doing) as well as phone calls made to other employees in the business post the incident, namely, Monday 20th April you were abusive on the phone to Nelly on Reception and Roger, HR Manager. Again, aggressive and abusive behavior is a breach of policy and our workplace safety practices.

During the investigation we reviewed the security video cameras which clearly show you moving a trolley full of product from the WIP chiller and placed it under a ceiling that had been sprayed with chemicals as well as your aggressive behavior towards Tom, Shift Supervisor on three occasions.

We have also interviewed Nelly and Roger regarding your aggressive and abusive speech towards them on the phone on Monday 20th April.

3. Articulate to the employee performance &/or behaviour expectations with reference to their objectives or position description &/or what is appropriate behaviour

This is an example: Please remove and type in your situation

The position in which you work in requires diligence and awareness at all times around product safety and quality assurance of which you have been trained in and have ongoing supervision during each shift. The financial loss and risks to the business around contamination are high and we require team members who can work effectively in this environment.

We also do not tolerate aggressive and abusive behavior in the workplace and it is a direct breach of our workplace safety policies and practices.

As stated in the letter inviting you to discuss this incident, the outcome may be instant dismissal with no notice should we consider this incident as serious misconduct.

4. Summarise support provided to date.

This is an example: Please remove and type in your situation

To date I (Tom) has provided you with ongoing coaching and support during your time with Company ABC.

During induction and thereafter the importance of QA & contamination, WHS and chemical usage in the workplace has been a key focus at Company ABC.

FILL OUT IN THE DISCUSSION (“QUOTE” WHAT WAS SAID)

Discuss the incident and give the employee an opportunity to respond.

Discussion Time Started: 4:15pm - Time Ended 4:46pm

With this in mind we would like you to respond:

This is an example: Please remove and type in your situation

- *Greg started by saying he was late to this meeting because of a medical appointment. He was very quiet and hardly made eye contact upon entering the office.*
- *He handed Tom a few medical certificates and mental health plan created by a GP.*
- *He visited a general GP and a mental health plan was completed, a referral has been issued for a psychologist.*
- *The specialist mental health care doctor’s report states that he has not received specialist mental health care previously – Greg admitted that he had in fact seen a psychiatrist around 3 years ago for roughly 6 months and felt like it was helping to some degree.*
- *It was stated on the medical plan that Greg lives alone, has no recollection of childhood, and has no communication with family or friends*
- *Tom asked if Greg had discussed any factors of what the GP thought may have caused what happened on Friday night the 17th April 2015. – Greg answered NO.*
- *The medical report also states that Greg has low poor attention and concentration, low memory, orientation has occasional problems, has low mood (depressed and flat), very poor sleep, very poor energy and motivation and anxiety symptoms. Greg has signed off on this document.*

- *Note: When Greg commenced he ticked NO on the employment form for the question: DO you have any injuries or medical conditions that may affect your ability to perform your duties?*
- *Tom started to proceed in talking about the severity of the situation listed in point 1 on the letter and how the safety of the product is extremely important and that because we follow strict government regulation and bodies we cannot be endangering our product that we send off and sell to the public.*
- *Tom also explained that because of the incident that occurred on Friday that product had to be disposed of. Should the product have been consumed by the Public causing illness and a major recall occurred then it could have end up in financial loss and reputation for the Company ABC, effecting relationships with customers, which in turn could mean loss of jobs. – Greg nodded and agreed it was important.*
- *Tom proceeded to ask if Greg had discussed with the doctor if a situation like this had happened in the past. – Greg said “No”, he was waiting to discuss with the psychologist but admitted that it happened previously.*
- *When Tom asked Greg if he disclosed his issue at the time of employment? Greg got extremely angry and his voice level started to increase dramatically; he became louder and louder. He kept stating that he didn’t have to and at the time he didn’t have a problem. Tom calmed him down and continued to explain that Company ABC is a high risk business and endangering the product is a huge problem.*
- *Tom opened it up to Greg to answer if he has anything to say about the situation that occurred. Greg admitted he does have a problem, he broke down and got quite upset about it and said he has been disorientated outside of work as well. Greg didn’t have anything else to say – head was down and no eye contact.*
- *Tom continued onto the second point of the letter regarding his aggressive and abusive behaviour. Tom started explaining about the abusive and aggressive behaviour that had occurred on Friday towards himself. Tom stated that there were occasions your temper gets a hold of you and you cannot settle down. Greg was quick to defend himself and said he didn’t get angry but he raised his voice as he said Tom was accusing him of doing the wrong thing. Greg continued in the meeting to get upset and when it was explained to him that he came at Tom 3 times he totally disagreed and started saying Tom came at him.*
- *Tom then asked “A supervisor informed you that you had endangered the product and you raised your voice, is that right? He responded by saying he was defending himself after being accused as he doesn’t remember what he did.*
- *It was then discussed that his aggressive behaviour and abusive manner was not only on this occasion but has been identified by other employees that Greg loses his temper and gets frustrated when things don’t go his way. Tom asked would you agree Greg? He responded with yes: “I get frustrated and angry when people don’t listen to me.” – Then went on to ask Tom how he would feel if he got frustrated with other people. (Was upset at this stage, but not angry like before). It was identified that there is a pattern – no family, no friends as he isolates himself through anger and aggressiveness (Medical Help is needed)*
- *Tom went on to ask a few more questions to Greg “have I given you every opportunity to talk to me about if alcohol or substance abuse is part of the picture” Greg responded with Yes you have and I don’t drink as I have a bad liver.*
- *Tom then asked “would you say that I have given you every opportunity to have extra breaks to calm down” Greg responded with yes and it is greatly appreciated.*
- *Tom asked “would you say Company ABC has been considerate considering that you have been employed for 10 months? – Mat did not answer*
- *Tom asked if Greg had anything else to ask or say – he responded with no and then Tom explained what was going to happen next. Company ABC needs 24 hours to make a decision whether we will summarily dismiss his employment. He will be informed of the decision in writing the next day 23rd April. During this time it was explained to Greg that he was not to return to Company ABC except by appointment by Roger or Tom. The only phone conversation he is to have is with Roger. – Greg Agreed to this.*

ADJOURN MEETING – CONSIDER REASONS ETC (formal only)

This is an example: Please remove and type in your situation

During the next 24 hours Tom and Roger reviewed the notes and the incidents and sought advice from a Senior HR practitioner, Justine Pepper from Lucent Advisory. After careful consideration the decision was made to summarily dismiss with no notice due to the serious nature of the incidents and it not been viable to continue with his employment at Company ABC. His actions constitute serious misconduct for these reasons:

1. *His unwelcome aggressive behaviour towards others is a breach of Company ABC’s Work Health & Safety policies and practices.*
2. *His actions causing a serious and imminent risk to the reputation, viability or profitability of Company ABC.*

On 23rd April Greg was informed in writing of the outcome and was paid out entitlements owing as well as pay up to and including 23rd April 2015.

OUTCOME

(tick appropriate box)

- no formal warning issued but the process has been explained should performance or behaviour not improve or continue to decline.
- 1st formal warning issued in writing
- 2nd formal warning issued in writing
- 3rd and final formal warning issued in writing
- Termination of Employment

Any further comments:

(signing is required for formal performance or behavior only)

Employee's Signature _____ Date: _____

Managers Signature _____ Date: _____