*CHAPTER 8*

*Encouraging Employee Development in Reviewing Performance*

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# EL 1: Case: Implementing a problem solving style in performance reviews

 Several years ago, Norman Maier described a problem-solving performance review process and compared it with other prototypical processes for implementing performance reviews.[[1]](#endnote-1) In experimental and field settings, he illustrated that a problem-solving, collaborative approach in performance reviews has better chances of improving performance and developing employees. Since that time, several studies have enlarged and substantiated the principles and tactics for implementing a problem-solving performance review process.[[2]](#endnote-2)

 Your tasks are, initially, to carry out interviews using the tell-and-sell and problem solving interview style. The goal is to illustrate that style alone can affect what happens. Maier compared the problem solving approach to a tell-and-sell style where managers acted in more a directive, parental fashion to indicate what employees should do. He recognized the following characteristics of people in each style.

*Problem solving Style:*

* Manager talked the least
* Not always clear that employees understood evaluation and appears to lack direction
* The problem solving takes longer
* There was noticeable acceptance, buy-in, and mutuality

 *Tell and Sell Style:*

* Manager talked the most and did more selling
* Employees understood evaluation more quickly
* There was noticeable resistance from employees and it was often not clear if employees bought in

**Task 1: Assessing your interview style**

You might wish to complete quiz 8.1 and assess your problem solving style. The instrument provides a review of the behaviours underlying the tell-and-sell, **tell-and-listen**, and problem solving style. It also illustrates behaviours linked to developmental and delegative styles.

**Task 2: Linking to strategic objectives**

The performance management process is key in linking, updating, and monitoring progress toward an organization’s strategic objectives. For these role plays, we ask you to link strategic objectives such as improving client satisfaction and improving staff engagement. You might also consider other strategic objectives such as those in figure 2.5 of the text.

**Task 3: Assign roles**

Divide into groups of two people and have one person play of manager while another plays the role of employee for Case A. Switch roles and allow other people to act as managers.

## Case A: Employee with a performance problem

## *Manager Role (Your Employee is Tom)*

*You (Emily) have taken over as the manager of the City Information Center and have been in the job for three weeks and are just getting to know the five employees working in the center. A few hours ago, you recognized one of the long employees sitting around and staring out the window while he/she could have been doing things, like updating the brochures, restocking some of the art prints or other items, and generally rearranging things. You asked to have a short meeting, just to check in.*

*Employee*

* *Six years to go to retirement, a highly valuable employee in the past*
* *Has been with the organization for many years - worked his way in a steady job and a reliable employee.*
* *Not much formal education but is very skilled from many years on the job.*

### Present Situation

*Six months ago he applied for a job that would have meant a promotion because it would have given him/her the opportunity to learn some new things about wildlife and the ecosystem. He would have provided tourists with mini-lectures and guided tours, in addition to other duties.*

*It was given to a younger fast-tracker with much more formal education and much less practical experience.*

*He seems to do his/her work and that's about it - no more helping anyone else, no talking with co-workers at coffee or lunch. You've heard through the grapevine that he's doing the pub scene.*

## *Employee role (Tom)*

*You have been with the City Information Center for many years and have worked your way up one step at a time. You have six years to go to retirement. You have been highly valuable employee and although you have no formal education, you are very skilled in what you do.*

### Present Situation

*Six months ago you applied for a job that would have meant a bit of a promotion in that you would have given you the opportunity to learn some new things about wildlife and the eco system. You would have been able to provide tourists with mini-lectures and guided tours, in addition to other duties.*

*It was given to a younger fast-tracker with more formal education and much less practical experience.*

*You told your previous boss that you accepted the decision but, frankly, you are really ticked off. For the past six weeks, you have been a bit of a downer, thinking of your options.*

*You’ve come to the conclusion that you are not going to go the ‘extra’ mile any more. You’re going to do your own work, and that's it - no more helping anyone else, no more going to lunch or coffee to discuss work.*

*You've picked up with some old friends and are starting to do some of the things you did before, like going out to pubs, fishing, and other fun things.*

*This afternoon your new boss saw you sitting around in staring out the window. She/he wants to have a short meeting, and you are not sure what it will be about.*

**Task 4: Carrying out a tell-and-sell interview**

A "tell-and-sell" strategy assumes that the seller or person wanting something to happen is trying to persuade something to happen, as a salesperson would in making a sales pitch to buy a car. If the selling is not well done, it may induce frustration, hostility, and stubbornness. This is a similar circumstance of trying to encourage team members to change their behaviour. They might resent this and defend their position, seek to justify their position rather than accepting the suggestions.

In the role, your general approach tell-and-sell style should be persuasive and directive, and ‘selling’ your view of how to fix the problem. Begin the discussion by defining the problem and what needs to be done to improve performance. Be clear. Give evidence. Be as persuasive and convincing as you can. In your approach, you should:

* State your objective
* Listen for concerns
* Focus on the facts in the Performance Review
* Restate your objective
* Rearticulate positions, strengths, logic
* Compromise and Identify Agreements

Phrases you might use:

* I would like you to…
* I’d like to encourage you to focus on improving specific things such as…

Begin the discussion by saying: I’d like to meet with you to discuss your performance appraisal/review.

**Task 5: Carrying out a problem solving interview**

The problem solving approach can also be described as collaborative-coaching style. It is based on the assumptions that employee development and improved performance are the most important objectives of a performance review.[[3]](#endnote-3) Assume all problems are jointly shared. Problem‑solving strategies assume that certain alternatives are not yet apparent and they can best be discovered through discussions which recognize the interests and concerns.

Begin the discussion by developing a relationship. In most cases, a relationship of trust cannot be manufactured by technique. However, certain verbal behaviours such as "Hm," and "Good," and nods of one's head tend to reinforce an openness to listening rather than telling the other person what to do. Problem solving assumes: (1) active listening – phrasing or trying to understand the thoughts, attitudes and feelings, (2) using pauses – or waiting patiently for others to investigate their own inner feelings, (3) reflecting feelings – or showing that one understands, and (4) summarizing feeling – or updating the progress of the interview. These behaviours involve verbally acknowledging the interests of others, actively working with another person’s contribution by summarizing and rephrasing it, synthesizing and coordinating contributions with other ideas, stating the issues fully, and observing rules to control the participation and tension.

Fundamentally, problem-solving involves gaining respect, genuineness, understanding, acceptance and empathy. Genuineness in thoughts and feelings reduces a person's ambivalence and uncertainty about exposing oneself. Curiosity and exploration is more likely to be piqued in a free and secure environment; exploration is likely to cease when danger or threats of punishment are introduced.

In building a problem solving relationship, don’t feel compelled to define the problem. Let the other person (Tom) identify any problems before you bring them up. Be a facilitative person. Your initial responsibility is to create a climate that facilitates problem solving. In the role play, you might:

* State your objective of the meeting and its purpose in developing an on-going relationship where you work with Tom in jointly identifying and solving problems.
* Facilitate the discussion so that the Tom identifies important issues/problems. Facilitate by asking questions, but ask questions only about issues Tom raises. Use your skills in summarizing, brainstorming, identifying objectives.
* Your general approach should be to engage in communication which encourages joint problem solving. Your general approach should be active listening and problem solving. Don’t dominate the conversation (as your objective, you should say 4 times fewer words than Tom says).
* Key phrases you might use: “I have a few issues that we should discuss...” “I have a few ideas for resolving this,” “Are there any other problems you are having?”, “We might focus on specific objectives and strategies to resolve this situation. “
* Key words and sentence beginnings might be “I’d like to ...” “Could you...?” “It is probably a good idea if...”
* Key phrases you might use: “Are there any issues you’d like to discuss?”, “How can "we" work together in resolving this issue?”, “What ideas can we develop for resolving this?”, “Are there problems you are having?” “What are objectives we might focus on?
* Key words and small phrases might be: “Should we...?”, “How can we...?”, Why do we think this is happening?”, “How can we fix this?”.
* During the discussion, you should set a goal and/or objectives and steps you will take to implement the goal.

## In beginning the interview, you might say, ‘” wanted to meet with you as our regular to get an update about how things are going.”

***Using questions in facilitating problem solving***

The working rule is never “tell somebody what to do”, but “ask questions.”

Downplay the form but focus on problems or difficulties they have doing their job, and how can I help you? How can we solve the problems? Let’s brainstorm or think of ways to fix it.

- Focus also on training, learning, improving, and developing.

- Focus on career

When there are difficulties: ask questions. When the conversation is vague, ask for examples. As a working rule, try not to go “head to head.”

When people give you an opinion or position which seems untenable, ask why? Why questions encourage people to get beyond their positions and articulate their values or interests. When you understand their interests, state your interests and then seek to identify common interests.

Sometimes, when you ask people what they might want to improve , they will say things like more time off, more money, more … These are like Hygiene factors that focus on people’s basic needs. They do not generally motivate people. Set the stage and indicate you are concerned with ways to help improve their work and career growth through learning, feedback, new challenges or accomplishments, achievement, ways to recognize their career success, etc.

In one problem solving performance review session, you might only be able to set the stage. Be patient. It might take more than one meeting.

***Review Questions:***

1. You might wish to experiment with other interview styles such as delegative or developmental.
2. How did Emily implement each style? What did she do?
3. What were Tom’s reactions to each style?

Building on a problem solving interview style of jointly working with your employee, the following experiential exercises are to implement a goal setting approach in a performance review. You are asked to experiment with two approaches to goal setting: goal setting in managerial problem-solving (one minute goal setting in (EL 2)) and goal setting as part of a scheduled performance review session (EL 3).

# EL 2: Goal setting in managerial problem-solving (one minute goal setting)

Ken Blanchard and Spencer Johnson’s popular book, *The One Minute Manager,* highlights a suggestion that the most important aspect of goal setting is taking a few minutes and engaging employees in an ongoing way. Their best selling book, which has sold over 13 million copies, reviews three so called ‘secrets’ in this process.

The first secret in ‘setting one-minute goals’. As problems come up and are resolved in discussions in a quick ‘one’ minute meeting, the manager and employee have a responsibility for agreeing on the goal, writing it down in less than 250 words (on a sheet of paper or a form such as the one in Table 8.7, which describes the issue, goals, measures of the goals), and then to check in later on whether the results match the goal. This goal setting adds or revises the goals already set in the performance review process.

The authors argue for on-going recognition of things well done, in ‘one minute praising’ or helping people reach their potential by acknowledging positive performance.

The ‘one minute reprimand’ is the 3rd key to the Blanchard and Johnson’s process, in providing honest feedback when things are not working.

**An interview guide for setting goals in a managerial problem solving process**

Within a managerial problem solving process (one-minute goal setting), it is often useful to develop a template for asking questions and an interview guide or ‘script’ for asking questions.

***Introduction: Setting the tone…***

Just checking in…. and seeing how things are going.

***Key Questions***

How are things going on the job?

What is working well . (e,g., on the job, relation to customer/client, costs, ?)

What is not working well … (e.g., on your job?)

What are ideas that might help “us” solve this problem?

Okay, what might we do?

 ***So, our goal is ..?***

What are we trying to end up with? What do we want to do by ….?

***Table 8.7: Example of a form for ‘One Minute Goal Setting’***

|  |
| --- |
| Issue: |
| Goal:  |
| Strategic Theme Area: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Relationship to Strategic Objective: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| Goal stated as a SMART Goal |
| Actions to take | Actions Steps1.2.3. | Dates which this might be accomplished |
| Potential Obstacles |
| Support Needed |

**Task 1: Design a guide/script for managerial problem solving (one minute goal setting)**

You may have unique ideas which might add to the above interview guide/script and form 8.7 for managerial problem solving. So, take a few minutes and adapt the material so that it will a useful guide. You should adapt the interview guide and link them to Cases B and C.

**Task 2: Linking to strategic objectives**

The performance management process is a key process for linking, updating, and monitoring progress in working toward and organization’s strategic objectives. For these role plays, we ask you to link to strategic objectives such as improving client satisfaction and improving staff engagement. You might also consider other strategic objectives such as those in figure 2.5 in the text.

**Task 3: Role play of managerial problem solving (one minute goal setting)**

Divide into groups of two people and have one person play of manager while another plays the role of employee for Case B. Then, switch roles for Case C.

**Case B: Employee with a performance issue**

***Case B: Managerial role (Your employee is Beverly)***

*Your Employee*

* *Fully satisfactory performer.*
* *Performs competently, consistently high quality.*
* *Has met all of the objectives agreed to last year and has even taken on a couple of extra assignments.*
* *responsibilities like the United Appeal campaign that are not strictly part of the job.*
* *You have worked together for several years but are not particularly close.*

*Recent situation*

* *For the last 3-4 weeks she has been half an hour late coming back from lunch.*
* *She has been taking extra-long coffee breaks, she has been spending a lot of time talking with co-workers about personal and social matters.*
* *Her work is getting done only because she is staying 1 to 2 hours late every evening.*

*You (Susan) have heard a couple of her co-workers grumbling about her never being around and not doing much work when she is there. Furthermore, this past week you noticed that a couple of them have started stretching their lunch hours too.*

*You have decided to ‘check in’ to see if you can get to the root of the problem. You have a lot of work pressures right now so have only scheduled a 15 minute meeting.*

***Case B: Employee role:***

*You (Beverly) have been in your present position for several years and are very competent at what you do. You have consistently met all your objectives and have even taken on some extra responsibilities that are not strictly part of the job.*

*About a month ago you and your spouse separated. You have adjusted to the change pretty well except for one thing - you hate going back to an empty house at night. Because of that you've been working late almost every night. You've taken a longer lunch break and coffee breaks, but you're still putting in a full day considering your evening work. You're getting the work done so your manager should be satisfied.*

**Case C: Employee not meeting expectations**

***Case C: Managerial role (Your employee is Linda)***

*Your Employee*

*Linda is one of the more abrasive people in your school. She is constantly griping and complaining about something and is not well liked by other teachers. For the last 3-4 weeks she has been in the lunch room and you have heard extra complaints.*

*As part of a teacher’s responsibilities, there is an expectation to work actively with students in activities which go beyond the class room. Most teachers meet these expectations by activities such as coaching a sport’s team, carrying out a project deemed important to the school, or coordinating graduation activities. However, Linda views these as beyond her contract obligations. Everyone else in the Sshool takes part in these extra to load activities. In the next performance review, you feel that you will have to give her a ‘does not meet expectations’. You know she will be in angry and there will be more complaints.*

*You (Shea) have decided to undertake regular ‘check ins’ to see if you can get to the root of the problem. You have a lot of work pressures right now so have only scheduled a 15 minute meeting.*

***Case C: Employee role:***

*You (Linda) have been in your present position for several years and feel you are very competent at what you do as a teacher. You consistently met all your objectives but have always taken on extra responsibilities in the community related to volunteer work. You have two young children and they take quite a bit of your time.*

*You feel that you work hard enough for the school system and don’t feel that your contract involves work beyond the 9:00 to 3:00. In fact, you spend a great deal of time on school work and have little time for the school’s extra activities.*

***Review questions:***

1. How useful was your interview guide/script? Did you follow the script?
2. Where you successful in setting a goal?

# EL 3: An interview guide for setting goals during a performance review process

As within a general managerial problems solving process (i.e., one-minute goal setting), it is often useful to develop an interview guide (script) for asking questions an setting goals in an annual or semi annual performance review session.

The performance planning and review process now practiced in many public organizations builds on many of the assumptions of MBO and other goal setting approaches. In the process, employees develop their annual plan including organizational and personal goals/objectives. They might also define personal development goals and objectives related to the competencies for the job, values, skills identified for the role as well as any goals to support personal well being and life balance.

The process links organizational strategic themes and objectives to work and personal development goals and objectives. A dialogue between the employee and the supervisor facilitates identification of strengths, areas for further development and discussions of issues or concerns. Feedback and self-reflection in the performance review process provides further input for development goals for the following year. In the first year of the performance review, an individual’s annual plan will focus on key accomplishments rather than measurement of performance against goals.

**An interview guide reviewing goals and objectives**

The following interview guide uses a range of questions and probes for facilitating problem solving and goal setting.

***Introduction: (Setting the tone and purpose)***

The following statements might be used in introducing the purpose of the interview and in setting a positive tone.

-We want to use these reviews as an opportunity to review your goals and identify goals and objectives which you might involve yourself in which are part of our strategic plan.

-We want to use these reviews as an opportunity to review your goals and identify how you might assist us with some of the projects that we want to carry out in the next 6 months.

-I’d like to check in with you about the goals you set in the last performance review and develop an understanding of what is working well and some of the difficulties you might be having. Perhaps, we can use our time to think about ideas or ways we might adjust the goals.

-As you know, the purpose of the interview is help align your work with the organization’s strategic themes and objectives, in addition to helping you in your career planning and training.

-You might have some things you would like to talk about.

***Questions to Guide the Process***

In getting started, how are things going on the job?

What is working well?

-Probes: Focus on the job, relating to customer/client, team)

-What is not working well … (e.g., on your job? etc.)

-Probes: On the job, relating to customer/client, team)

Let’s review your work related goals.

Reviewing Past Goals and Setting Future Goals

Goal 1

Probes: What are you doing in relation to this goal? What is working well and not so well? Ideas for moving forward? What are benchmarks to guide us?

Goal 2

Probes: What are you doing in relation to this goal? What is working well and not so well? Ideas for moving forward? What are benchmarks to guide us?

Let’s review your career related goals.

Goal 1

Probes: What are you doing in relation to this goal? What is working well and not so well? Ideas for moving forward? What are benchmarks to guide us?

Goal 2

Probes: What are you doing in relation to this goal? What is working well and not so well? Ideas for moving forward? What are benchmarks to guide us?

***Benchmarking***

Work and career related goals

What do you want to achieve over the next year?

What are some goals? Benchmarks we want to achieve?

How can we make this challenging and interesting for yourself?

Charting (Let’s write it down (Adapt form 8.8 and 8.9)

Work and career related goals

What are some specific ways measures to guide us?

***Summarizing***

Given our purpose of trying to align your work with the organization’s strategic themes and objectives, in addition to helping you in your career planning and training, let’s check in on a regular basis in, perhaps, adjusting these goals and measures, in addition to seeing if we need to give you some assistance.

***Table 8.8 Example of a Form for Performance Planning and Review***



***Table 8.9 Skills Inventory Form***



**Task 1: Design a guide/script for setting goals during a performance review process**

You may have unique ideas which might add to the above interview guide/script and forms 8.8 and 8.9 for performance planning and review. So, take a few minutes and adapt the material so that it will a useful guide. You should adapt the interview guide and link them to Case D.

**Task 2: Linking to strategic objectives**

The performance management process is a key process for linking, updating, and monitoring progress in working toward and organization’s strategic objectives. For these role plays, we ask you to link to strategic objectives such as improving client satisfaction and improving staff engagement. You might also consider other strategic objectives such as those in Figure 2.5 in the text.

**Task 3: Role play for setting goals during a performance review process**

Divide into groups of two people and have one person play manager while another plays the role of employee for Case D. Then, switch roles.

## Case D: The Old Hand Employee in a yearly (or twice yearly) performance review

## *Case D: Manager Role (Your Employee is Andrea)*

* *Fully satisfactory performer.*
* *Performs competently, consistently high quality.*
* *Seems very able to problem solve and set objectives*
* *Has met most of the objectives agreed to last year and has even taken on a couple of extra responsibilities like the United Appeal campaign that are not strictly part of the job.*

### Present Situation

*You (Sven) have been with the organization for about a year. About a month ago, you took a course on performance planning and review. The basic idea is to encourage goal setting for all employees.*

*You are setting up meetings with employees to discuss their jobs and have been encouraging them to set objectives and measures of performance. You have set up a meeting with Jean who is one of your most responsible employees.*

*You have heard by the grape vine that he does not need to sit down and discuss problems and objectives with you. He/She can do this without you.*

*Generally, you agree but wanted to discuss his/her objectives and priorities to gain a better understanding of what he does. More importantly, you would like to discuss some other objectives which you think he might be helpful in achieving, like training some of the new staff in running some of the equipment and developing a maintenance program for the equipment.*

## *Case D: Employee Role*

*You (Andrea) have been in your present position for several years and are very competent at what you do. You have consistently met most of your objectives and generally have even taken on some extra responsibilities that are not strictly part of the job. Your years of experience have been important to the City. You know a lot and you can run almost every piece of machinery.Your manager’s name is Sven and has been working for city for about a year.*

*About a month ago your supervisor/manager began running around like a chicken with his head cut off talking to some of the newer staff he has hired. He has taken a workshop on goal setting that involves something called ‘performance planning and review.’ You have not had much of a chance to talk to him yet, but have been getting along in your job just fine. Don’t know why you need any performance review which asks you to set objectives. You can set your own objectives without him/her.*

***Review questions:***

1. How useful was your interview guide/script? Did you follow the script?
2. Where you successful in reviewing performance and setting goals?

# EL 4: Encouraging Positive Leader-Member Relations (LMX)

A climate encouraging problem solving is characterized by a positive supervisor-subordinate relationship. [[4]](#endnote-4) This is illustrated in a healthy leader-member exchange (LMX) where there is a willingness to respond helpfully and constructively in working together. The relationship is based on three factors: respect, trust, and obligation in a working relationship. Respect is illustrated in the mutual respect that one person has for the capabilities of other people and is not an indication of personal friendship or liking. Trust is defined by ability, benevolence, and integrity.[[5]](#endnote-5)

In a performance review, if an ‘employee believes a supervisor has the skills to properly appraise, has the interests of the employee at heart, and believes the supervisor upholds standards and values, the employee is likely to trust that supervisor.’[[6]](#endnote-6) Obligation is the ‘expectation that interacting obligation will grow over time as career-oriented social exchanges blossom into a partnership.’[[7]](#endnote-7) Table 8.10 summarizes the items describing the LMX relationship.

***Table 8.10 - Good Leader Member Exchanges (LMX)***

Good relationships are key in improving the chances that a performance review has positive outcomes. Good relationships are also described as a positive Leader-Member Exchange (LMX) based on trust, respect and an understanding that each person has mutual obligations and responsibilities in improving performance. *[[8]](#endnote-8)*

The following questions are recommended for measuring a Leader-Member Exchange (LMX). Why not see if this instrument would summarize some of your experiences with people (leaders) you have worked for? Think of a leader you worked well with (or did not work well with) and use the instrument below to assess this leader relationship.

Do you usually know how satisfied your leader is with what you do? (Does your member usually know?)

Rarely Occasionally Sometimes Fairly Often Very Often

2. How well does your leader understand your job problems and needs? (How well does the member understand the leader's job problems and needs?)

Not at all A Little A Fair Amount Quite A Bit A Great

 Deal

3. How well does your leader recognize your potential (How well does the member recognize...?)

Not at all A Little Moderately Mostly Fully

4. Regardless of how much formal authority he/she built in his/her position, what are the chances that your leader would use his/her power to help you solve problems in your work? (What are the chances that the member would...?)

None Small Moderate High Very High

5. Again, regardless of the amount of formal authority your leader has, what are the chances the he would ‘bail you out,’ at his/her expense? (What are the changes you would bail...?)

None Small Moderate High Very High

6. I have enough confidence in my leader that I would defend and justify his/her decision if he/she were not present to do so? (Your member would...)

Strongly Disagree Neutral Agree Strongly

Disagree Agree

7. Would you characterize your working relationship with your leader as excellent? (Your member...)

Strongly Disagree Neutral Agree Strongly

Disagree Agree

When both the leader and member independently assess these dimensions as positive, this is index of quality of the relationship.

The once a year performance review or meeting with employees has questionable value in developing a positive LMX or problem solving relationship. The problem solving relationship begins long before the interview, and includes the pre-existing and on-going relationship between supervisor and employee (leader-member).[[9]](#endnote-9) Feedback is much more effective in an interview if employees have a relatively accurate perception of performance before the interview.[[10]](#endnote-10) The problem solving relationship is enhanced by on-going communication and feedback.

On-going positive feedback is critical in performance improvement. Negative, destructive communication produces negative feelings, reduces the desire to engage in future relationships, and has long term negative effects in achieving self-set goals and improving self-confidence.[[11]](#endnote-11)

***Review questions:***

1. What goals might be considered in improving the leader-member relationships?
2. What initiatives and process might leaders and members do to improve the positivity of each of the dimensions?

# EL 5: Applying Disciplinary Procedures

In most cases, employees are exceptional performers and work very hard and conduct themselves in ways that are acceptable to their employees and their fellow workers. Occasionally, managers will face problems they will have to deal with relating to poor work performance, absenteeism, or behavior which is not acceptable. These are problems that go beyond those which can be corrected through feedback, supportive communication, and goal setting.

Managers can discipline or terminate if where there is **just cause.** This usually requires employers to be “just” and make fair judgments and provide evidence to illustrate an employee’s liability and negligence. Other requirements include warning the employee, giving the employee a fair hearing, and being fair and reasonable in making sure the rules are enforced evenly and without discrimination. Just cause dismissals involve cases such as theft, sexual harassment, fraud and dishonesty, intoxication and willful disobedience.

**Due process** involves using fair means to determine employee wrong doings so that their rights are maintained. Employee rights to due process are usually based on the collective bargaining agreement, legislative procedures, and organizational policies and processes. In union organizations, due process is illustrated in employee rights to the grievance and arbitration procedures, and other mechanisms.

Although managers have the responsibility and right to exercise disciplinary procedures to correct the errant behavior, they often fail to do so for various reasons: (i) lack of awareness of the rules, (ii) fear of losing the employee’s friendship or respect, (iii) lack of support from other managers, (iv) fear of a complaint or a grievance, or (v) a belief that nothing will change. For some managers, implementing disciplinary procedures might alienate employees or make them even more unwilling to change. People who receive punishment for certain behaviours often receive support and positive reinforcement from peers and co-workers.[[12]](#endnote-12)

The best approach to discipline is a form of **self-discipline,** where managers encourage people to take responsibility for problems or unproductive work behaviours. In exceptional cases, more formal discipline may be necessary and beneficial in that it clearly signals the need for change.[[13]](#endnote-13) Failure to administer discipline can be seen as accepting or not disapproving of the behavior and make it even more difficult to deal with the problem later.

Several organizations follow two approaches to disciple; positive discipline and progressive discipline. **Positive discipline** is a participatory process which encourages the employee to recognize his or her deficiencies and take responsibility for improving and recommit the organization’s goals and mission. **Progressive discipline** follows a four-step progression of: verbal warning, written warning, suspension and dismissal. These approaches share three elements: coaching, communicating, and a process of decision-making. [[14]](#endnote-14)

A positive discipline approach is based on the assumption that employees will change any inappropriate behavior if managers are constructive in helping them become aware of and respond to the problems they encounter. In the steps to positive discipline, managers focus on gathering facts, setting goals and in providing a supportive environment for change. The four steps include:

* *Oral communication and agreement.* In an informal discussion with the employee, the manager should remind the employee of obligations to meet performance standards. This should not be a threat as the goal is to get mutual agreement of the problem and an agreement to improve performance. No handwritten notes or memos are placed in the employee’s personnel file.
* *Written reminder.* If the problem persists, a next step is to give the employee a written reminder and involve the employee in another meeting. At the conclusion of the meeting, a summary memo identifies the problem and solutions (and goals) to prevent the problem from occurring.
* *Paid disciplinary suspension.* If previous discussions fail, the employee is placed on a paid one-day disciplinary suspension with the hope that the day off will be a signal and an opportunity for the employee to reflect to reflect on whether to resign or make a total performance turnaround. That is, each employee has the right to make a choice in correcting their behavior.[[15]](#endnote-15) After returning to work, the employee informs the manager of his decision.
* *Mutual Agreement.*  If the employee decides to remain, the manager and employee will jointly identify the changes to be made and this documented agreement is inserted into the employee’s personnel file. If no performance problems arise, the employee is retained in the organization.

The positive discipline approach is that it encourages a problem solving relationship where the employee work together in solving a problem. While it encourages communication and goals setting, it also requires supervisors to develop and apply these skills effectively.

In more exceptional cases, many companies implement a **progressive discipline procedure** that proceeds from early warning that something is wrong to a written warning, to a suspension, and then dismissal. It is a process where increasingly severe disciplinary measures are applied with the objective of ensuring that employees understand the errant behavior and has a reasonable time period to improve their performance.

Progressive discipline focuses on unacceptable, culpable actions which are within an employee’s control. These are actions where the employee knows or can be expected to know what is required, is capable of carrying out what is required and chooses to perform in a manner which is inconsistent with this. Non-culpable conduct is performance which the employee is not able to control, such as poor performance because of lack of aptitude or absenteeism because of illness. Under the Human Rights Code, employers must make every effort to accommodate the employee so that he/she can perform to an acceptable standard through training or assistance in other ways.

HR’s role is to assist managers in clearly outlining their managerial responsibilities in promoting and supporting an environment that facilitates regular communication and good employee relations and ensuring expectations are clearly communicated. The goal is to communicate expectations beforehand and, when providing feedback, maintain records and documents when they feel they must implement progressive discipline procedures. Managers have the right to meet with their employees to establish and reinforce expectations as part of their day-to-day responsibilities. Meetings of this nature are not considered disciplinary. If a union employee believes a discussion with a manager might be the basis for disciplinary action, they have the right to have a union representative present to ensure the employee’s Collective Agreement rights are not violated. They do not have the right to speak for or on behalf of the employee during the meeting.

In a progressive discipline process, the employer should document the errant behaviour with the view to communicating what the employee needs to do to fix the problem. See table 8.11 below. The employer should try to be sure that truly measurable standards do exist for the job and that the employee’s earlier performance evaluations indicate this errant job performance.

**Table 8.11: What Employers Must Document in Progressive Discipline**

|  |  |
| --- | --- |
| What Employee Needs to Know | What Employer Needs to Document |
| 1.What the problem is or what rule or standard has been violated. What type of problem it has caused or the impacts or repercussions.  | Describe what led to the problem, the incidents and setting. Describe what was said and who said it. Describe other offenses before this. |
| 2.What improvement is expected. | Describe what happened, including names, dates, times, witnesses and other information.  |
| 3. What assistance you, the leader, can provide (coaching, training, counseling).  | Describe the assistance that can be offered and by whom. |
| * Have a reasonable time period to correct the behavior.
 | Describe the actions are necessary to correct the behavior. Describe an appropriate time period. |
| * Understand the consequences of not correcting the behavior.
 | Review the consequences of further violations.  |

The progressive discipline procedure illustrates a number of steps that are progressively more stringent in focusing on changing a person’s inappropriate behavior.

* *Verbal Warning.* A verbal warning or reprimand is the first step of the progressive discipline process and it is the manager’s responsibility to communicate and document the issue and give the employee an opportunity to respond. This responsibility also includes monitoring the employee’s behaviour and/or performance and offering encouragement and verbal reinforcement when appropriate.
* *Written reprimand and warning.* A second meeting with the employee should take place if improvements are not made to advise the employee that the matter is of more serious concern. A writing warning provides official recognition of the seriousness of the problem. It summarizes the points in table 8.11 and the manager’s continued commitment to assist in addressing the issue. This letter, while it can be drafted before the meeting, is finalized and placed in the employee’s personnel file.
* *Suspension without pay.* The purpose of the suspension is to indicate the seriousness of the offense and the need for change. The suspension’s duration will vary depending on the nature of the offence and the surrounding circumstances. At the meeting with the employee, the manager should review the facts included in a letter of suspension.
* *Dismissal.* If the previous steps fail, a dismissal is warranted. In order to uphold a dismissal before an arbitrator, the employer must prove the process of progressive discipline was followed (e.g. verbal reprimands, written reprimands, suspensions, etc.) and the employer has just cause for the dismissal.

Having satisfied the legal requirements of progressive discipline, a healthy process relies on a manager’s ability to manage the disciplinary meeting. Norms for effective meetings include:

* Be prepared for the meetings and get to the point quickly.
* Impress the fact that the goal of discipline is to have the employee meet the behaviour of performance standards that you have set.
* Encourage the employee to tell his/her side of the issue.
* Confirm your understanding of what you said and what the employee has said.
* Make a commitment to an action plan of what you will do and what the employee will do.
* Follow up: set a date before the meeting is over for a meeting in one week or two weeks time. Keep that commitment.

The advantages of a progressive discipline approach are that it impresses on employees the seriousness of repeated violations while encouraging employees to change. However, one of the disadvantages is that it can put management in an adversarial relationship with employees focusing on addressing mistakes rather than recommitting to proper performance. Also, managers may be reluctant to perform a disciplinary role and some managers might be more willing to tolerate the poor performance rather than assuming an adversarial role.

Progressive discipline focuses on past events and their needs for improvement while positive discipline focuses on trying to create a responsible employee through mutual problem solving and continuous improvement. A key difference between the two approaches is that the positive discipline approach recognizes that the employee has to make a choice, of either recommitting or resigning. Otherwise, positive discipline reduces the chances of wrongful dismissal because its goal is to not to enter into an adversarial approach in ensuring compliance. The goal is to develop responsibility in the employee through problem solving.

The employee has the right to request union representation during any disciplinary meeting and the role of the union is to ensure disciplinary action are based on just cause. Managers today are responsible for taking the extra step in rejuvenating a problem employee and clearly illustrating that this step has been taken will prevent any charges of wrongful discharge or discrimination.

**Task 1: Design a process and guide/script for a progressive discipline process**

You may have unique ideas which to develop an interview guide/script and forms for implementing a progressive discipline process. So, take a few minutes and develop an interview guide to assist you. You should tailor you the interview guide and to Case E.

**Task 2: Role play for setting goals in a progressive discipline process**

Divide into groups of two people and have one person play the role of manager while another plays the role of employee for Case E. In your first role play, you should assume that you are at the 2nd stage of progressive discipline. After this role play, the instructor will provide information on the next stage.

## Case E: Encouraging Tom to improve his performance

## *Case E: Manager Role (Your Employee is Tom)*

## *You are a bit tired of the laissez-faire culture of some of the people in your branch and Tom is an employee that typifies that cultures. Most employees perform adequately but are rather nonchalant in their approach to work. Tom’s behaviour, in your view, is unacceptable, culpable actions which he could improve. These are actions where he should know or can be expected to know what is required, and is capable of carrying out what is required and chooses to perform in a manner which is inconsistent with this. In particular, Tom is absent quite a bit and when he is at work, he seems to be focused on many non-work tasks such as his coaching of a boy’s basketball team and as a leader in a scout troop. Although many staff use the photocopy machine and phones for non-work activities, Tom seems to be doing more of this than anyone.*

## *You believe that you have a vision for your health care organization which involves greater engagement and client service and you want to commit employees to this vision.*

*One consideration is to encourage Tom to move on, and according to some people, this is the best solution. He has given some good service to the organization for many years and been a strong performer in the past but is simply not able to make the transition to our new customer service strategy. He clearly does not get on with some managers and is disappointed by being passed over for a promotion. Tom may well be useful in some other area of the organization. If another suitable position cannot be found, Tom might be offered an early retirement package to bridge him until he is 55. Although he has a wealth of experience in some functions in the organization, the organization has other employees who do a very good job. Line spacing…*

## *Case E: Employee (Tom’s) Role*

*Carol is your manager, and she thinks she has a clear vision of customer service for the organization to respond to what she views as a laissez-faire approach to customer service.*

*Carol is meeting with you as part of your performance evaluation. You have the form in front of you and note that you are rated satisfactory or not-meeting expectations on all dimensions. You have been rated poor on attendance (you have missed 16 days this year, days which you are entitled to).*

*Your service history with the organization has been good, but your performance is often affected by your interest in the work and your commitments outside the organization You feel you have given ‘generally’ good service to the organization, and your work performance, in your view, is as good as many of the younger employees in your branch. Frankly, you have had a little trouble with the transition to the new customer service strategy. You clearly do not get on with some managers and are disappointed by being passed over for a promotion. You may well be useful in some other area of the organization. You have a few years to retirement and might be willing to accept a retirement package. Although you have a wealth of experience in some functions in the organization, the organization has other employees who do a very good job.*

***Review questions:***

1. What is your best interview style in progressive disciplinary relationships?
2. What are key steps to turn the employee around?

# EL 6: Carrying out a Termination Interview

No one wants to terminate an employee as it is one of the most difficult things that a manager might have to do. For those terminated, there are perceptions of procedural injustice, unfairness, and stress. There are possible expensive legal repercussions for not doing this correctly.

 Employers have the responsibility for implementing the progressive discipline procedures when employees are terminated for performance problems. The courts are more lenient when terminating an employee for inappropriate work behaviours such as theft or gross misconduct. In other cases, managers are often called on to cut staff because the organization because of economic downturns.

Terminations can be as traumatic for manager as for the employee. Even the most seasoned managers get the jitters when using words such as: “Your services are not longer required by our organization,” “Times are tough and we have to let you go.”

Several terms are used to describe employee termination, such as being ““let go,” “discharged.” “fired,” or “permanently laid off.””[[16]](#endnote-16) Termination severs the employee’s contract with an organization, due to bankruptcy or insolvency, temporary layoff, or constructive dismissal.

How should terminations be handled? Certainly not the way some organizations does this. At 4:00 p.m. Ken was called in the HR Director’s office where he was informed of his dismissal, “this is nothing personal, Ken, but the organization is going in a different direction”. After a brief conversation, a consultant knocked on the door and Ken was escorted down to his office past other employees to his office where he was given 10 minutes to take any personal effects. He was asked to return his office keys and cellphone and his email account became immediately inaccessible. Ken was escorted out of the building and arranged to return that evening to pick up any other personal effects that were in his office. Ken is still bitter.

Employees express a wide range of emotions when faced with losing their jobs, whether the reason is a dismissal or layoffs. These emotions might exist during a layoff as a result of organization’s acquisition by another include:

* Loss of identity: There might be a bit of “shock, anger, disbelief, depression and helplessness” and a loss of identity.
* Lack of information and anxiety: There is likely to be a mass of information and misinformation. Rumors will circulate.
* Survival becomes an obsession: Self-survival becomes an obsession as people try to protect themselves from changes in their status, prestige, power and careers.
* Lost Talent: Many people who left felt angry and vindictive. In addition, others who observed other losing their jobs also express anger.
* Family Repercussions: During terminations, a family’s economic status is threatened.[[17]](#endnote-17)

In a perfect world, there would be little need for terminations or job loss and employees would never feel inclined to sue their employees for breaching the employer employee contract. Given that the world is not perfect, Francis Coleman’s practical book *Ending the Employment Relationship Without Ending Up in Court*, offers a practical guide for assisting managers with this process. His guidelines, for cases of disciplinary and performance based terminations, urge managers to use progressive discipline procedures, documentation, and pinpointing the reason for dismissal. For terminations due to layoffs, he highlights that the first step is review the contractual obligations relating to the layoff, check on federal and local laws while recognizing the effects of reductions on "protected" categories (for example, members of minority groups or workers 40 years of age and older).[[18]](#endnote-18)

Coleman has five rules to conduct terminations with sensitivity.

* *Clearly present the situation.* Don’t drag out the rationale of termination and it is not necessary to blame, offer excuses, or bargain. “Graham, as you are aware, we are eliminating jobs in your area, and one of these jobs is, unfortunately, yours.”
* *Avoid debates.* Given that all employees have positive features, recognize these and focus in on the reasons for the layoff. “Ken, many of your accomplishment over the years have been very helpful to the organization. The layoff has nothing to do with your personal capabilities and reflects the economic situation the company faces.”
* *Never talk down to the employee.* Employee need support and need to save face as losing a job is traumatic. Listen and be supportive and do more listening than talking.
* *Be empathetic but not compromising*. “I am sorry that this had to happen and recognize your feelings. We will do what we can to provide assistance to you in helping you transition.”
* *Communicate the next step?* Next steps can be helpful in providing information and placement assistance. “I am giving you a letter which outlines the severance, benefits, and placement assistance. Could I suggest you take the rest of the day off and then meet with the HR benefits people tomorrow morning? Also, we’ve arrangement for you to meet with a placement officer who can be helpful in assisting you find other employment.”[[19]](#endnote-19)

In carrying out the termination interview, recognize who is responsible for the interview, when it might best be conducted, where it should be held, and how to protect yourself from inappropriate allegations:

* *Who is responsible?* While the responsibility can be delegated to a consultant or HR manager, the employee’s manager is often the best person to do this.
* *When?* The tendency to terminate a person just before the weekend. However, most experts agree that the beginning of the week give employees an opportunity to use the organization’s resources to contact prospective employees. Also, avoiding an employee’s birthdays and family or organizational events is a recommendation.
* *Where*? The best location for terminations is neutral territory (not in the employee’s or manager’s office) as each party is able to leave after the interview.
* *How* do you protect yourself from allegations? Witnesses provide a safeguard for you and the organization. It is also useful to be prepared for a variety of reactions such as anger or shock. Your responsibility is to present the case, listen, and don’t argue. [[20]](#endnote-20)

**Task 1: Design a process and guide/script for a termination**

You may have unique ideas which to develop an interview guide/script and forms for terminating. So, take a few minutes and develop an interview guide to assist you. You should tailor you the interview guide and to Case F.

**Task 2: Role play for setting goals in a progressive discipline process**

Divide into groups of two people and have one person play of manager while another plays the role of employee for Case F. Switch roles after five minutes.

## Case F: Carrying out a termination interview

## *Case F: Manager Role*

## *You (Jennifer) have been tasked with terminating one of your class members. You are asked to terminate the person you are assigned in order to reduce the size of the class.*

***Review questions:***

1. What is your best interview style in a termination relationship?
2. What are key steps?

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