



When Good Employees Go Bad

All employers are, at some point, confronted with an instance of employee misconduct. That's just an unfortunate reality of employing staff.

Misconduct covers a wide range of behaviours, including: Absence from work, assault, deliberate misuse or wilful damage of company property, dishonesty, drunkenness, insubordination, negligence, possession of an illegal substance and sleeping on duty. Depending on the seriousness of the misconduct, the consequences for the employee can range from a written warning to dismissal.

Regrettable fact: By not following a correct disciplinary process, many employers end up in hot water along with – or, worse, instead of – the offending employee.

Just how hot can the water get? The consequences for the employer of getting it wrong can include: A personal grievance leading to mediation; a reinstatement order; and even what psychologists call 'survivor syndrome', where the loyalty and motivation of other employees is adversely affected. In each case, costly... time consuming... and a big, self-inflicted headache.

Learn from the unfortunate experiences of others: What is one employer's 20-20 hindsight is another's cautionary tale.

The key, of course, is to nip any conduct issue in the bud before disciplinary action is necessary. Simply turning a blind eye sends all the wrong messages, both to the employee concerned and to others in the business. Remember: By ignoring an issue that should be dealt with you are, in effect, condoning the behaviour.

Whatever your organisation's disciplinary process, a necessary element of it will be **the disciplinary meeting**. Simply put, employees must be given an opportunity to explain their conduct before any disciplinary action can be taken.

In addition to being given fair notice of the meeting and informed that it could result in disciplinary action, employees must be advised of their right to have a representative of their choice present.

How do you conduct a disciplinary meeting that meets your legal responsibilities and is fair to all parties?

- Where possible, disciplinary action should be carried out by someone who is impartial and who has not been directly involved in the incident in question.
- Ensure a witness is present to take meeting notes.
- Begin by explaining the allegation(s) in detail. You must be able to prove that the employee is aware of the rule or practice that has been breached.
- The employee should be listened to carefully and allowed to give their side of the story. This can often be beneficial in itself. Keep an open mind and be prepared to accept their explanation if it's plausible.
- If the employee has a representative, they are allowed to ask questions to establish the facts but should not prevent the employee from answering questions. If they do so, remind them that you are trying to get to the truth of the matter and can only do so if the employee answers the questions.
- Once there is no more to hear, the meeting should be adjourned so that you can consider what has been said and decide on any action to be taken.
- Reconvene the meeting and relay your decision regarding disciplinary action. This decision should also be conveyed in writing to the employee.
- Always be consistent in the application of discipline and ensure that employees are treated in the same way as other employees have been in the past.



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