

## ANNEXURE 7: POOR WORK PERFORMANCE HEARING PROCEDURE

<b>Name Of Employee:</b>	
<b>Employee Number:</b>	
<b>Date of Investigation:</b>	

1.	The chairperson/facilitator is responsible for taking notes or appointing a secretary to perform this task.	
2.	Write down the names of people present at the investigation.	
3.	Ask the employee whether he/she received a notice to attend this meeting.	
4.	Does the employee require representation?	
5.	Ask whether the employee has had sufficient time to prepare for this meeting (Y/N). If the answer is no, determine why not and whether a postponement should be granted.	
6.	<p>Ask management to state why they have deemed it necessary to convene this investigation.</p> <p>6.1 Management is to describe in detail the steps taken prior to convening the final poor work performance investigation.</p> <p>6.1.1 Was the employee aware or could reasonably be expected to be aware of the performance standards?</p> <p>6.1.2 Was the employee aware of where he/she was falling short of the performance standard?</p> <p>6.1.3 Was the employee given a reasonable time period within which to improve?</p> <p>6.1.4 Did the employer afford the employee training, guidance, evaluation, assistance and instruction?</p> <p>6.2 The employer should submit minutes of the initial poor work performance counselling session as well as notes/minutes of the guidance, evaluation etc. during the time period for improvement.</p>	
7.	Ask the employee to respond to the above.	
8.	Ask the company to submit the employee's current performance standard and whether or not it meets the company's expectations.	
9.	<p>Ask the employee to respond and confirm whether he/she agrees with management's assessment of his/her performance.</p> <p>9.1 If so, he/she could give reasons/an explanation for his/her current performance.</p> <p>9.2 If the employee does not agree with the employer's assessment of his/her performance, why not.</p>	
10.	If necessary, ask both parties to sum up their cases.	
11.	<p>Adjourn the counselling session.</p> <p>11.1 The chairperson should evaluate both parties' submissions regarding the employee's performance, in respect of the following:</p> <p>11.1.1 Was the employee aware or could reasonably be expected to be aware of the performance standards?</p> <p>11.1.2 Was the employee aware of where he/she was falling short of the performance standard?</p> <p>11.1.3 Was the employee given a reasonable time period within which to improve?</p> <p>11.1.4 Did the employer afford the employee training, guidance, evaluation, assistance and instruction?</p>	

	<p>11.1.5 Did the employee still perform unsatisfactorily?</p> <p>11.2 If the employer did not comply with all of the above, continue with the hearing as if an initial poor work performance counselling session.</p> <p>11.3 If the employer complied with all of the above, find the employee guilty of poor work performance and proceed with the final poor work performance hearing.</p>	
12.	Reconvene the final poor work performance hearing and inform the parties of your finding.	
13.	<p>Request submissions from the company regarding:</p> <p>13.1 whether they have any proposed sanctions short of dismissal (i.e. transfer, demotion, extending the period of improvement, etc.)</p> <p>13.2 whether the employee's job may be adapted in any way to accommodate the employee's abilities</p> <p>13.3 what outcome the company is looking for and why</p> <p>13.4 whether there are any aggravating circumstances.</p>	
14.	<p>Request the employee to respond regarding the company's submissions, including:</p> <p>14.1 whether he/she would accept any sanction short of dismissal, if any were proposed by management</p> <p>14.2 whether he/she has any proposed sanctions short of dismissal</p> <p>14.3 whether he/she has any evidence in mitigation that he/she wishes to submit.</p>	
15.	Adjourn the counselling session for the chairperson to consider the recommendation.	
16.	Reconvene the final poor work performance hearing and inform the parties of your recommendation.	
17.	Inform the employee of his/her right of appeal as well as the grounds on which he/she can appeal, should the company's policy make provision for this.	
18.	<p>The employee may appeal on the following grounds:</p> <p>18.1 incorrect procedure followed</p> <p>18.2 new evidence</p> <p>18.3 outcome of the hearing and the severity of the penalty.</p>	
19.	Complete the hearing form and request the employee or his/her representative to sign acknowledgment of the minutes and outcome of the hearing. Ensure that all pages including the annexures are signed. (Refusal to acknowledge the outcome should be recorded.)	
20.	In the case of a dismissal, advise the employee of his/her right to refer a dispute to the CCMA or the relevant bargaining council (if applicable).	

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**Signature of Chairperson**

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**Designation**