



# THE PERFORMANCE MANAGEMENT CHECKLIST

## Establish that the reason is fair and valid

- Can the organisation establish that it has a sound, defensible reason related to the employee's conduct or capacity or due to redundancy to dismiss the employee, unrelated to a discriminatory attribute?
- If the reason is attributed to the employee's conduct or capacity, did the employee clearly understand what was expected of them?
- Does the organisation need to suspend the employee if the possible reason may amount to serious misconduct?
- Has the organisation conducted a thorough investigation (if appropriate and deemed necessary) into the grounds for the dismissal, by considering and weighing up all relevant evidence?
- Has the organisation given the employee an opportunity to respond to the grounds for the possible dismissal at a meeting, including giving the employee sufficient detail of the grounds?

## Schedule a meeting

- Has the employee been given sufficient time to prepare for the meeting?
- Has the organisation permitted the employee to have a support person at the meeting to consider their dismissal?
- Has the meeting been convened in a private, non-threatening, comfortable and quiet location?
- Has the organisation defined and explained its concerns to the employee in specific terms?
- Has the organisation devised a solution with the employee to improve performance?
- Has the organisation, together with the employee, developed an action plan which includes performance improvement milestones and timeframes for further review?



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## Follow up

- Has the organisation scheduled another meeting to review the employee's performance against the agreed action plan?
- Has the organisation documented all discussions, including action to be taken?
- If the grounds for dismissal are not deemed serious misconduct, has there been any previously recorded instance(s) of the same or similar behaviour or performance by the employee, and has the employee received warnings of such?
- Has the organisation monitored the employee's performance and continued to provide feedback?

## If the decision is made to terminate employment

- Has the organisation considered all matters relevant to the decision to dismiss the employee, including the employee's length of service, employment records, and relevant personal circumstances before making any decision to dismiss?
- Has the organisation notified the employee of the reason for the dismissal and that the employment has been terminated, identifying the effective date in writing?
- Has the organisation paid the employee all appropriate accrued entitlements, including all entitlements from industrial instruments, policies and any written contract of employment?
- Does the organisation need to take steps to protect the organisation's confidential information or property to enforce any restraint of trade?