

# DCIF Project – Managing Performance

## Tool 7: What to do When Skillsets Do Not Match Job Requirements

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### Tags

#### Who is this for?

High Priority:

- Direct Line Managers

Practical Information:

- DEI and HR Professionals

#### What guidance does it provide?

- How to identify areas of performance concern and evaluate the best next steps for workers
- Understanding workers' motivations, performance, skill development and potential
- How to give praise or take positive action to bring about a change or improvement in performance when required

#### Take home points

- When addressing underperformance, follow these steps:
  - Identify the problem
  - Discuss underperformance
  - Create a plan of action
  - Monitor performance
- If reasonable adjustments cannot be implemented before the end of the probationary period – you should extend their probation. If the employee's performance does not improve after reasonable adjustments and training plans have been implemented, you may need to terminate their contract of employment.
- When considering re-deployment, an employer should take into account the accessibility needs of their workers with disabilities, as well as their individual accommodation plans. Do not assign an opportunity without having an open discussion with the worker.
- Before terminating or sanctioning a worker for poor performance or unacceptable behaviour, an employer must first consider whether the actions of the worker are caused by or related to a disability, especially where the employer is aware or perceives that the worker has a disability

## Addressing Performance Among Workers with Disabilities<sup>1</sup>

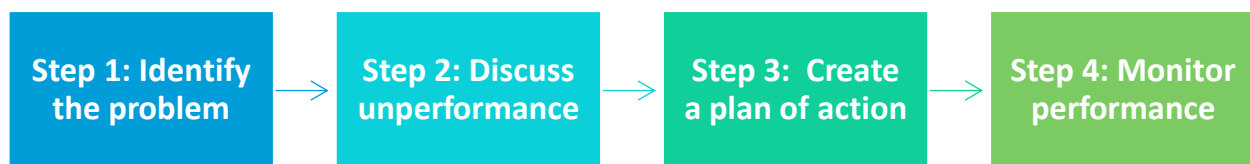
Managers are in charge of recognizing and supporting the potential of their teams. Proper performance management enables all workers – including those with disabilities – to not only meet their objectives and performance targets, but also develop their skills and contribute to the organization’s overall goals.

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*Workers with disabilities are more likely to face involuntary job loss or to be laid off.<sup>2</sup>*

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Sometimes it may be reasonable for managers to make adjustments for workers with disabilities in order to support the performance of workers with disabilities. If a member of your team is not meeting the expectations or standards required of them, you must intervene. Here is a general overview of the steps you should take when addressing underperformance:



### Step 1: Identify the Problem

Before you approach the worker, it is important to identify the performance problem(s) in detail and note any specific aspects of their performance that are not measuring up to the agreed-upon expectations and standards. To begin, review these helpful questions:

1. How serious is the problem?
2. How long has the problem existed?
3. How wide is the gap between the expectations of the role and the work done by the employee?
4. Are there external factors causing the employee's performance issues?<sup>3</sup>

Providing constructive criticism about a worker’s performance is difficult, and it’s not uncommon for the recipient to feel defensive or emotional. Keeping this in mind:

- It is essential that you be well-prepared and communicate your concerns as clearly as possible
- Be specific with feedback, rather than abstract or vague feedback. More actionable verbiage will lead to more actionable changes
- Provide concrete examples showing how a worker’s performance does not meet expectations. Focus more on the job and the expectations, not the worker. For example, refrain from saying “you are not very organized” and consider being more specific by saying “I’ve noticed some mistakes in xyz work.”
- Frame the situation as a collaborative effort to solve together, rather than something for the worker to solve independently
- Ensure that evaluations are mapped onto the bona fide occupational requirements and do not provide opinion-based feedback based on feeling, intuition, etc.

### Step 2: Discuss Underperformance<sup>1</sup>

Not all instances of underperformance will need a formal conversation within the disciplinary process. However, it is advisable to keep notes on all conversations about performance in case formal steps are needed. Being direct with a worker and reiterating expectations often has a nearly immediate positive impact on their performance.

### Choosing a Formal or Informal Approach<sup>3</sup>

If you are meeting regularly with your employee, setting clear objectives and performance standards, and giving frequent feedback, you will minimize the possibility of underperformance. Nonetheless, there will be occasions where you need to address underperformance formally. In these cases:

- **Send Written/Digital Documentation:** You must first provide the worker a written statement of your specific performance concerns. The letter should invite the worker to a meeting to discuss the concerns. The employee has the right to be accompanied by a work colleague or trade union representative at the meeting.
- **Inform Workers of the Consequences:** You will need to inform the new workers that if improvement does not occur, their probation period may be extended. Workers who are past their **probation period** must be informed that if improvement does not occur, formal written warnings may be issued. If performance issues persist with your worker, workers need to be informed that their contract may be terminated.

If you are having an informal chat, you might choose to take a conversational and relaxed approach. This decision will be based on a judgement only you can make and will depend on the nature of the underperformance. You may need to provide training or support for the worker. Sometimes, the conversation may prompt further discussion about the worker's health and wellbeing, or the need for an accommodation may be raised.

### Introducing Underperformance Conversations

When first raising performance concerns, it can be difficult to find the words to invite your worker to a meeting. Try out these suggestions:

- "I have a few concerns I'd like to discuss with you"
- "I have a sensitive issue I would like to discuss with you"
- "I want to help and support you as much as I can, however in order to do this I need to talk you about what I have seen lately"
- "I have something to say to you and feel that in order to clear, I may be direct. Is that okay with you?"

### Being Prepared with Helpful Phrases:

It is always better to ask 'open' questions rather than ones allowing for a 'yes' or 'no' answer. This will encourage the person to talk, and allow you to engage in active listening as well:

### Conversation Starters

- "I have observed [specific issue], and it has been impacting the department in this way [details about performance issue]. Let's work together to see how we can achieve [performance standards] in the future."
- "Over the last [period of time], I have noticed some changes [specific issue], instead of [performance standard]."

### Continuing The Conversation

- "The better I understand the situation, the more we can work together to improve the situation."
- "Can you help me understand why this change in performance may have happened?"
- "What would help you succeed in your role?"
- "What conditions need to be put in place to best support you?"
- "Can you tell me more about that?"

### Validating Statements

- "What I am hearing you say is ...."
- "Thank you for sharing with me."
- "It sounds like you have been experiencing barriers because of ..."
- "I feel/it seems like/I am sensing ..."

### Summarizing Statements

- "In summary, the outcome of our discussion is ..."
- "In order to move forward, can we develop a plan of action together?"

**Disability confident** managers take careful steps to ensure workers don't feel like they are being disciplined when performance concerns are raised the first time. Begin the conversation by giving the worker positive feedback, then discuss strategies to address underperformance.

- Your praise should always be genuine – a personalized email or individual conversation will be more appreciated than blanket praise.
- Your comments could be either formal or informal
- Do not be afraid to provide lots of positive feedback, either formally or informally
- Be spontaneous with your appreciation; show praise in the moment when you see employees doing something good.
- Be mindful of the ways your employees prefer to receive praise – some will not appreciate being in the spotlight or praised in front of others.
- Remember to recognize the day-to-day contributions of consistently well-performing employees, not just the huge achievements.

### Step 3: Create a Plan of Action

After meeting to discuss the performance issue, work together with the employee to develop a plan of action detailing how to improve their performance. Based on your notes from the performance meeting, you should have a good sense of what the worker's needs are and how you can support performance improvement.

The performance improvement plan should outline:

- The performance problem
- The improvements required
- The timeline for achieving the improvements
- A review date
- Any support you will provide to the employee

Upon reflecting on the worker's perspective, you may decide to issue a performance improvement plan as a formal warning. This would be the first stage of your disciplinary procedure. The worker should be informed in writing that:

- The note represents the first stage of the formal disciplinary procedure, on account of poor performance
- Failure to improve could lead to a final written warning and, ultimately, dismissal
- The worker has the right to appeal the decision

*Pop Up: A copy of the note should be kept and used as the basis for monitoring and reviewing performance over a specified period.*

*Side Bar: Any performance issues should be addressed during the probationary period rather than after when the legal risk of unfair dismissal is far greater. If it is evident that an employee is not suited to the job role, termination before the end of the probation period is an option. However, if the employer is still unsure after the initial probationary period, the business should have the contractual right to extend the probation. Employers should ensure that the end of the probation period is communicated, and the worker is notified in good time. Missing this date can often lead to notice periods and therefore contractual liability far longer on the business.*

#### Step 4: Monitor Performance

For many managers, it can be difficult to judge when a performance issue becomes a disciplinary issue. If you notice that a worker is consistently failing to meet their objectives, you need to ask yourself:

- What is the nature of the problem?
- How long has it been happening?
- What is causing the problem?
- Is the worker capable of meeting their targets?
- Is there a pattern of unsatisfactory performance?

If after performance management, informal meetings and formal reviews, and written warnings, the worker's performance is still unsatisfactory, you may consider other options such as extending a probationary period (for new workers), re-deployment opportunities, or job exit.

#### Extending Probationary Period<sup>4</sup>

If reasonable adjustments cannot be implemented before the end of the probationary period – leaving you unsure whether the employee can fulfill the job requirements – you should extend their probation. Take this time to implement reasonable adjustments, monitor performance from the time of implementation, and continue to communicate.

If the employee's performance does not improve after reasonable adjustments and training plans have been implemented, you may need to terminate their contract of employment. In these cases, you will be dismissing the employee because they are not capable of doing the job. If you have done everything you reasonably can to support the employee, this constitutes a fair reason for dismissal.

#### Re-Deployment

Re-deployment is defined as the reassignment of employees to other departments or job roles within the organization. It is commonly used as an alternative to laying off workers due to:

- A poor match in job requirements and a worker's skillset
- The elimination of a role

- The elimination of a department<sup>5</sup>

When considering **re-deployment**, an employer should take into account the accessibility needs of their workers with disabilities, as well as their individual accommodation plans. An employer can arrange for a worker's individual accommodation plan or other identified accessibility needs to be transferred upon reassignment. An employer may also want to use the previous individual accommodation plan to select a new job opportunity that would best suit worker with a disability.

Do not assign an opportunity without having an open discussion with the worker. When the worker prepares for the transition, their current accommodation plan should be reviewed and revised to best fit their new role.<sup>6</sup>

*Pop Up: A great practice is to allow employees with disabilities to stay in the same office/workstation as previous role to limit workplace anxiety and ensure previous accommodations remain intact.*

## Job Exit<sup>7</sup>

### Poor Performance

Before terminating or sanctioning a worker for poor performance or unacceptable behaviour, an employer must first consider whether the actions of the worker are caused by or related to a disability, especially where the employer is aware or perceives that the worker has a disability. A severe or sudden change in a worker's behaviour could signal that the situation warrants further examination. Progressive performance management, discipline, and referrals to employee assistance programs should be used before sanctions or termination are considered.

### Poor Attendance

For recurring issues related to attendance, employers need to make sure that any **absenteeism** policy or attendance management program in place will not have a discriminatory impact on people with disabilities. While the employer is entitled to expect that employees attend work, it is also required to provide workplace accommodations, including individual assessment, when applying its **absenteeism** policy.

Even in cases of frequent **absenteeism**, the employer should carefully consider whether the worker's rate of absence can be accommodated without undue hardship.

- **Example:** A worker has accumulated over 300 full days, and a number of partial days, of disability-related absences over nine years of employment. Because the worker's attendance is spread across their employment, and their absences are disability-related, terminating the worker would be discriminatory.

### Resignation

If a worker resigns, consider conducting an exit interview to find out why. Ask them about recommendations for improving the performance management process and the workplace culture for other workers with disabilities.<sup>8</sup>

## Case Study Examples of Managing Performance Issues

### Case 1: Barbara

Barbara is a Financial Service Representative at a credit union and lives with anxiety. Barbara's disability sometimes makes it difficult for her to communicate clearly and confidently with others, so she avoids interacting with coworkers and clients. Barbara is often too nervous to ask her manager for clarification when she's unsure about something. Recently, a new manager has been assigned to Barbara's branch,

and has observed that Barbara is not meeting her objectives. The new manager also found out that Barbara's previous manager had given her warnings about her performance on several occasions. Over the years, there were also a number of minor complaints about Barbara's attitude. Her colleagues often said, "That's just how Barbara is."

How do you manage a worker like Barbara?

1. **Step 1: Identify the Problem.** Don't delay - take action as soon as you recognize performance is dropping. Use observations to make a list of specific problems that are evident from Barbara's performance at work. Compare Barbara's performance to any agreed upon standards or expectations.
2. **Step 2: Discuss the issue.** Make an effort to truly understand Barbara's perspective. Ask questions that will help you uncover what might be causing Barbara's poor performance. Barbara has disclosed to you that she lives with anxiety, which is likely related to the barriers she is facing at work, but there may be other factors at play. Discuss your concerns informally and allow Barbara the opportunity to share her experiences. An open conversation may reveal other circumstances – such as bereavement, health concerns, or working relationships – that are impacting Barbara's performance.
3. **Step 3: Create an Action Plan:** Express your concerns and record them in your notes along with Barbara's responses. Suggest a plan of support in areas where Barbara is not currently meeting expectations. This could involve training, coaching, mentoring, job shadowing, or other strategies.
4. **Step 4: Monitor Performance:** If Barbara has requested a workplace accommodation, postpone the performance review period until after the accommodation has been implemented. Once implemented, check in with Barbara and determine whether the accommodation is working. Re-evaluate Barbara's performance after the accommodation is in place, and set up a performance review meeting to discuss whether Barbara's performance has improved.

## References

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## Glossary