PERFORMANCE MANAGEMENT: THE PROCESS AT WESTPAC

January 2008

The information in this guide can help you understand-

a) the Performance Management process;
b) your rights; and
c) the Bank’s obligations to you if you are being performance managed.

YOUR RIGHTS AT A GLANCE

You have:

>> The right to know you are being performance managed and the stage you are at.

>> The right to respond in writing to any assertions about your performance.

>> The right to be given copies of all relevant documents.

>> The right to take your own notes.

>> The right to take time to consider options being put forward.

>> The right to get help and advice.

>> The right to have targets that are unreasonable or unachievable changed.

>> The right to have a reasonable period to improve performance.

WHAT IS PERFORMANCE MANAGEMENT?

It is a four-step process which the Bank may apply in cases where it believes employees are not meeting minimum standards for their roles and performance is unacceptable.

STEP 1: your Manager discusses your performance with you and

>> indicates how your performance does not meet expectations and is unacceptable;

>> investigates any reasons for this; and

>> highlights areas needing improvement.

STEP 2: you will receive informal coaching, which includes a plan of action and a review meeting.

STEP 3: if you have met the minimum requirements of your role during Step 2, you should receive on-going coaching and assistance with a view to building on your performance. Bank policy is that if the unacceptable performance recurs within 6 months you could again face dismissal.

STEP 4: the Bank formally advises you that it considers your performance continues to be of an unacceptable standard. You will then be monitored, and performance coached. At the end
YOUR RIGHTS:

If you are placed on performance management the Bank must advise you

- why you are being performance managed;
- what stage you are at;
- what coaching assistance will be provided;
- how you can get off it; and
- the likely length of the process.

Employees facing the possibility of dismissal have certain legal rights and protections.

- These include the right to:
  - a full explanation of any performance issue;
  - a reasonable period to improve performance with any training needs identified and addressed;
  - sign off, accepting or rejecting records of performance discussions;
  - defend your performance and have your views taken into account; and
  - have a third party (friend, Union Rep, relative, legal representative) present at any formal performance counselling interviews.

PERFORMANCE DISCUSSIONS

It is important that you are aware of some basic facts when attending performance discussions.

ALWAYS take notes. Keep a diary note of any informal and/or day-to-day discussions about your performance as well as more formal occasions.

If you feel that the proposed length of the process is not long enough for you to adequately improve your performance, then suggest a longer program, with regular coaching and assistance provided, in order to maximise your opportunity to improve. Record the Bank’s decision whether to agree or not - it is legally required to give you a reasonable opportunity to improve.

- You can - at any time - tell the Bank if you want a representative present. Contact the FSU for assistance, advice or if you want us to attend with you. Alternatively, you can include a friend, relative or legal representative.

- Ask to postpone or adjourn a meeting if your representative cannot be present.

- Ask for the Bank’s position in writing. Bank policy is that your manager should keep records of all counselling sessions and you should have the opportunity for sign off.

- You do not have to do so if you do not think the records are fair or complete.

- At the end of each discussion tell the Bank you want time to consider what has been said and to respond in writing. Your letter (FSU assistance optional) should detail your response to issues raised.

- If the Bank is making allegations based on information it has not shared with you, ask for a copy (i.e. reports, diary notes).

- If you feel that it would assist your situation, you can refer the Bank to a work colleague who may be able to corroborate aspects of your work situation (i.e. work pressures, abnormal impacts on ability to reach targets, lack of support).

- If you are feeling pressured to accept a demotion or resign then you should contact the Union immediately, before you make any decision or commitment to the Bank. Remember, you have legal rights to procedural fairness if you are facing a possible dismissal.

You should make clear to the Bank if your training has been inadequate.

DISMISSAL OR DEMOTION

If, during any discussion, you feel pressured to resign or accept a demotion then you should write to the Bank detailing your objections to the performance management process, and explaining how you are feeling pressured. Never resign or accept a demotion without talking to the FSU first!

If resignation, demotion or dismissal occurs, contact the FSU immediately for advice and assistance with appropriate legal action.

Remember - you have a legal right to challenge an unfair dismissal (including where it is due to a forced resignation, termination or in some cases a demotion) in the Australian Industrial Relations Commission. An Unfair Dismissal action
needs to be lodged within 21 days of being dismissed, demoted or forced to resign.

REASONABLE TARGETS

If you are being performance managed due to not meeting targets, and you feel the targets you have been set are not reasonable or achievable, ask in writing to have them reduced. Keep a full and formal record of your request and the Bank’s response, even if it seems unlikely that your manager will agree to a reduction. This may be essential for proving unfair treatment if the Bank will not respond or amend your targets.

In discussions with your manager you should itemise and keep a record of the exact concerns you have with the targets, and identify the factors which make them unachievable.

Such factors could include, but are not restricted to, the following:

- Significant increases to targets during the performance year;
- Changes to customer base;
- Operating restraints i.e. not enough staff, no relief provided, lack of support staff;
- Changes in the size of your target area;
- Budgetary restraints;
- Changes due to downturn in economy (both at local or broader level);
- Increases in number of staff competing for same business in your area;
- Any leave taken (such as annual leave, personal illness or long service leave) during the performance appraisal period;
- Level of performance of others in same position (i.e. could the performance be characterized as, for example, a state or channel problem rather than a personal performance problem);
- Inadequate training or insufficient time in job/experience;
- Opportunities and assistance provided (or not) to improve performance;
- Competitive factors e.g. discounted home loan rates at another bank.

CASE STUDY:

The FSU has had considerable success in defending members dismissed or forced to resign for not meeting targets.

Andrew Warne was an ANZ Business Development Manager, who was performance counselled, placed on a performance management program and eventually dismissed for not reaching targets. Andrew had discussed his unachievable targets with the Bank, but it refused to change them.

In the Australian Industrial Relations Commission his Unfair Dismissal case argued the targets which underpinned his performance management process were unachievable due to factors such as the customer base and...

FOR FURTHER ADVICE AND SUPPORT CALL THE FSU MEMBER RIGHTS CENTRE

1300 366 378
You should also make note of any financial impact to you of unachievable targets such as access to, or reduced, bonuses or Performance Related Pay.

If your manager refuses to adjust unachievable targets then you should contact the FSU immediately. Targets should be adjusted if they are unreasonable.

DON'T TAKE NO FOR AN ANSWER!