



The Fair Work Ombudsman is committed to providing you with advice that you can rely on.

The information contained in this guide is general in nature. If you are unsure about how it applies to your situation you can call our Infoline on 13 13 94 or speak with a union, industry association or a workplace relations professional.

# Who can use this guide?

This is a guide for managers preparing for a difficult conversation in the workplace and compliments our Difficult conversations in the workplace – manager online course.

'Difficult conversations' are discussions that can make you feel uncomfortable - they may involve conflicting opinions, uncertain outcomes, sensitive topics or strong emotions. Many people try to avoid them, however difficult conversations are a normal part of life and work.

Most workplace issues can be resolved quickly and informally if you simply discuss them with your employee.

The guide provides information and tips on:

- why you should have a difficult conversation
- how to prepare for, and handle, a difficult conversation
- how to manage emotions
- what to do after a difficult conversation.



# Practice the conversation in our online learning course

You can complete our <u>Difficult conversations in the workplace – manager course</u> at fairwork.gov.au/learning. The course includes interactive scenarios to help you prepare for and practice your conversations skills.

# Why should I have a difficult conversation?

#### What is a difficult conversation?

In the workplace, a difficult conversation is one in which you have to manage emotions and information in a sensitive way to deal with a workplace issue.

A difficult conversation may involve:

- topics you don't want to talk about
- situations where you're not sure what to say
- conflicting opinions
- circumstances where the outcome is uncertain
- discussions which make you feel uncomfortable.

As a manager, it is likely that you will need to have a difficult conversation from time to time – this is normal. For example, you may find it difficult to have a conversation about:

- poor employee performance or behaviour
- complaints and grievances

- giving bad news, such as ending employment or advising unsuccessful job applicants
- addressing conflict
- communicating tough business decisions.

# 2

#### Discussing family and domestic violence at work

Family and domestic violence occurs at epidemic proportions in Australia. Many of those who experience this violence are in the workforce. For employees experiencing family or domestic violence the workplace can be a safe space and an important source of social and economic support. Employers also have legal obligations they need to understand and comply with.

Employees may need to tell their manager or employer about their experience of violence when seeking to access family and domestic violence leave and/or requesting flexible working arrangements to deal with the effects of family and domestic violence. Telling someone about an experience of violence is called a 'disclosure'.

As a manager you need to understand these entitlements and be prepared to have difficult and sensitive conversations with employees. It's okay if these discussions make you feel uncomfortable or emotional. Remember, it will be difficult for an employee to tell you about their experience.

As a manager you don't have to have the answers – but your first response is crucial to help your employee access support and safety.

There are lots of support services available to help employers support their employees who are experiencing family and domestic violence.

Learn more about discussing family and domestic violence at work in our <u>Difficult conversations</u> in the workplace – manager course at fairwork.gov.au/learning.

The course includes tailored information on:

- · responding to a disclosure
- tips for handling the conversation
- resources for managers
- referrals and supports for your employees.

## Why are difficult conversations important?

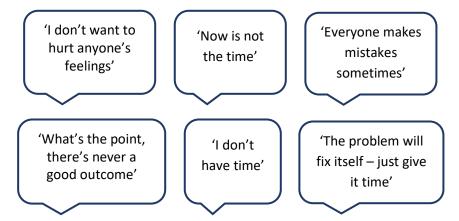
Difficult conversations are a normal part of life. The best way to handle a workplace issue is to actually deal with it. Honest conversations are critical for managers.

If handled well, these conversations provide you an opportunity to:

- ✓ resolve workplace conflicts quickly and efficiently
- ✓ lift employee performance and engagement
- ✓ improve relationships within your team.

Many people avoid difficult conversations in the workplace because it makes them feel uncomfortable.

Even experienced managers can find these conversations daunting, despite being an important part of their role. We often make excuses to avoid difficult conversations, for example:



Most workplace problems will not go away by themselves. In fact, avoiding the conversation may:

- prolong or exacerbate the problem
- give the impression that there is no problem and deny the employee a chance to improve
- damage the productivity and efficiency of the business
- reduce staff engagement
- reduce staff confidence in your ability to manage
- lead to lower morale amongst team members
- lead to higher absenteeism and employee turnover.

It is essential for managers to have the skills, knowledge and confidence to identify and manage problems at work early on, before they escalate.

#### Recognising when to have the conversation

When a problem arises decide whether a conversation is needed – a conversation may not be required in every case. For example, if the problem is trivial or temporary, you may not wish to draw attention to it.

Next, decide if you are the best person to initiate the conversation. For example, it may be more appropriate to involve a more senior manager or human resources officer.

If you do need to have the conversation, it's much easier to do so as soon you start to have concerns about the issue or see the early signs of conflict. The worse a situation becomes, the harder it can be to manage and resolve, and people and productivity may be affected.

The best communication strategy at work is to have regular informal one-on-one conversations so that issues can be dealt with as naturally as possible. Be approachable and keep in touch with your staff and your team. If they see that you are approachable and ready to listen, they are also more likely to come to you with problems before they escalate.

# How to prepare for a difficult conversation

#### Decide what you want to achieve

Before you have the conversation, ensure that you have a clear understanding of the problem that you want to resolve.

#### Ask yourself:

- why do you want to have the conversation?
- what's important to you?
- what do you want to achieve?
- is the outcome you're looking for realistic?

#### Check your facts and gather relevant documents

Make sure you know the facts of the situation before approaching the employee.

Check relevant documents such as your workplace agreement or award, employment contract, human resources policy, business data or employee records. Print copies of any documents you need to bring to the meeting. For example, if the matter is about conduct or performance, you will need to have relevant policies, performance targets, and performance data at hand.

Confirm key details and ensure you have a thorough understanding of employee entitlements. For example, if the conversation will be about termination of employment, you will need to know how much notice is required, what the final payout includes and ensure that the dismissal is fair.

You will also need to be aware of any relevant internal workplace policies and procedures so you can manage issues consistently within your business. In these circumstances it is a good idea to seek advice from a supervisor, human resources manager, your industry association, legal advisor or the Fair Work Ombudsman (fairwork.gov.au).

#### Think about the employee's perspective

After you have gathered the facts, you should think about the situation from your employee's perspective.

Participate with an open mind, genuinely seeking to understand the situation from the employee's point of view. Don't be set in your assumptions – you may have misread the situation.

## Consider whether you need support

If needed, seek support from your manager, human resources or employer association. A third party perspective may provide valuable insight and help you clarify the issue and be objective.

If you are bringing someone with you, let your employee know and give them the option of bringing a support person as well.

#### **Consider the logistics**

The timing of the conversation is important. Generally it's best not to leave it too long, but jumping into a situation where everyone is feeling stressed and emotional can make dealing with it that much more difficult. Try to schedule the conversation as soon as possible, once all parties have had a chance to calm down.

Consider the most appropriate time and place for the conversation. Choose a time and place where you will both feel comfortable, and will not be rushed or interrupted.

If you think the employee is likely to be disappointed or upset, it is poor practice to leave the conversation until the end of the week. You may feel better dealing with the problem before the weekend, but your employee won't. Show respect for the employee by having the conversation earlier in the working week. If they need time to digest the information, offer to let them have a break and meet again later in the day or the following day.

Think about the logistics of the conversation:

- have the discussion face to face don't converse by email or telephone if you can avoid it
- choose a private location don't hold the conversation where others can hear
- think about the room layout sitting next to someone is less threatening, sitting opposite someone shows formality
- make sure you will not be interrupted make clear to others that you are not to be interrupted during the conversation and do not interrupt the conversation to take phone calls or check emails
- allow sufficient time don't rush, allow for breaks to gather your thoughts if necessary, and don't book a conversation in between back-to back meetings.

## Prepare what you are going to say

If you are having a conversation about something that is important, plan ahead and do not be casual about it. An overly casual approach may trivialise the issue or appear disrespectful to the employee.

Write down the key points you need to cover, so that you can keep your conversation on track and stay in control.

When preparing, it is helpful to think about these questions:

- What is the purpose of the conversation?
- What outcome do you want? (for example, an improvement in performance or a change in behaviour)
- What information do you need from the employee? What questions do you need to ask to obtain this information?
- How do you think the employee will react?
- What solutions can you propose to resolve the matter?

While it is important to prepare notes, avoid preparing a rehearsed script, as it may hamper your ability to listen effectively, react accordingly or find alternative solutions.



The template Your conversation plan at the end of this Guide can help you prepare.

Once you have your plan together, seek advice from someone you trust (such as a senior manager or human resources advisor) and use them to guide and check the preparation you have done.

Practice and reflect on the personal, interpersonal and leadership skills needed for the conversation – these include active listening, willingness to compromise and negotiate, anger management, firm resolve and problem solving.

#### Give the employee time to prepare

Make an appointment with the employee and provide some context to give them some time to prepare. Depending upon the subject this may be a few hours to a few days. Knowing that the conversation is coming may cause stress for the employee, so phrase the approach carefully and don't leave it too long.

Depending on the nature of the conversation, you can say:

•	'Do you have some time this afternoon? I have some feedback I would like to discuss with you.'
•	'I'd like to talk aboutand get your point of view. Can you come see me tomorrow?'
•	'I think we have different perceptions aboutI'd like to hear your thinking on this. Are you free this afternoon?'
•	'I'd like to see if we might reach a better understanding about I really want to hear your feelings about this and share my perspective as well. Would it be ok to sit down and discuss it on Wednesday?'

# How to handle a difficult conversation

## Steps for a successful conversation

Summary
$\square$ <b>Step 1 – State the problem</b> and provide examples. State the impact that the problem is having on the business.
☐ <b>Step 2 – Listen and question</b> . Put aside your view and let the employee explain their side of the story and motives. Try to understand their point of view.
$\square$ <b>Step 3 – Acknowledge</b> the employee's feelings and view of the situation. Confirm and clarify your understanding of what they have said and validate them where appropriate.
☐ <b>Step 4 – Reassess your position</b> . After the employee has put forward their point of view, it is your turn to clarify your position without minimising theirs. What can you see from your perspective that they've missed? Has your position changed based on the information they provided?
☐ <b>Step 5 – Look for solutions.</b> Work with the employee to develop solutions. Agree on a way forward.

$\square$ Step 6 – Close the conversation. Clarify and document the agreed actions and next steps. Th	ank
the employee.	

# ☐ Step 1 – State the problem

Begin the conversation by explaining the situation clearly and concisely. Avoid unnecessary small talk to 'ease them into it'. This will only make the conversation harder and heighten anxiety. The importance of the message may also be lost if it is hidden between other messages.

You should address:

- the purpose of the meeting
- **the problem** you are trying to resolve or goal you hope to achieve. Stick to the facts, and provide specific examples where possible. Refer to any dates, documents, work or specific interactions you have to support your position
- **how it is impacting** you, your team or the business. For example, 'As you can imagine, this is troubling for me because ...'

While it isn't good to 'sugar coat' the issue, it's important to remember that you are dealing with a person's feelings:

- focus on the issue, not the person, using words like 'the behaviour', 'the situation' rather than 'you'
- begin sentences with 'I' instead of 'you'. For example, 'I was disappointed that you were not at the meeting ...' instead of 'You missed the meeting again'
- acknowledge any contribution you have made to a situation and apologise where appropriate. For example, 'I do apologise for not making this clear during induction'
- be solution oriented. For example, 'I want to let you know how I see it and hear from you too, then let's see where we can go from there'
- ensure that you put aside any personal feelings you have about the employee approach
  the conversation with a sense of respect for the other person and a genuine intent to resolve
  the problem
- mention a person's value and positive contribution where possible. For example, 'I am
  talking with you because [the behaviour] is an issue that we need to address. This surprises
  me because generally your work is very good ...'

# ☐ Step 2 – Listen and question

Once you've made a clear statement of the problem, invite the employee to share their side of the story and respond to what you have said.

Focus on listening more and talking less. Even if you're convinced that you're 'right', the conversation will be more productive if you listen. If the employee feels heard and understood, they will be more likely to listen to you.

Try to consider the issue from your employee's point of view. Suspend any judgement you have about them or the situation even if you have dealt with the problem or the issue before.

Be curious and ask open questions to explore the employee's story, such as:

• 'How do you see it?'

- 'How do you feel about that?'
- 'What was your intention there?'
- 'What leads you to say that?'
- 'Tell me about that ...'

Express empathy using statements such as:

- 'I can see that this has been frustrating for you'
- 'It sounds like this is upsetting you'
- 'I want to make sure I understand you.'

Ask questions to clarify what you are unsure about or don't understand. Use words such as 'Could you explain X further', or 'Can you elaborate on X?'

Let the other person finish what they have to say – don't interrupt except to acknowledge. If you do interrupt, apologise and ask them to continue.

# ☐ Step 3 – Acknowledge

After the employee has expressed their side of the story, clarify what they have said, for example, 'I want to make sure I understand you. You said ...'

#### Acknowledge:

- their point of view. Acknowledgement is different from agreement you can say 'this sounds really important to you' without saying that you agree with their position.
- that there may be differences in how you see things.
- the employee's feelings. For example, 'I can see this is hard for you' or 'It's ok to be upset about this.'

# ☐ Step 4 – Reassess your position

After the employee has put forward their point of view, it is your turn to clarify your position without minimising theirs. What can you see from your perspective that they've missed? Has your position changed based on the information they provided?

You may say something like:

'From what you've told me, I can see how you came to the conclusion that ... However ...'

If the conversation becomes adversarial, go back to listening and questioning. Asking for the employee's point of view usually creates safety, and they'll be more responsive.

## ☐ Step 5 – Look for solutions

Make suggestions about ways to move forward and resolve the situation. Phrase your suggestions by saying: 'I think ...', 'I'd prefer' or 'I wonder whether ...', instead of demands like: 'I want ...' or 'I have decided.'

Invite the employee to make suggestions for an outcome as well.

Be willing and open to finding a different solution. When you are open to searching for an alternative, the employee is often likely to reciprocate and the conversation is likely to go more smoothly.

The best resolutions involve an outcome that satisfies both parties. Compromise and negotiation will help you arrive at a mutually agreeable outcome.

# ☐ Step 6 – Close the conversation

As you finalise the conversation, agree on your action points and next steps. In particular:

- confirm the key points of your discussion, paraphrasing them in a concise and clear manner
- check where you are now, what needs to be done to resolve the issue and what happens next?
- note what actions need to be taken, who they will be taken by and when. For example, 'So to move forward let's ...'
- gain the employee's agreement and commitment. For example, 'How do you feel about that?', 'How does that sound to you?', 'What do you think about that way forward?'
- make a time to discuss the issue again. This will allow you both time to take your agreed actions, and check whether or not the issue has been resolved.

Close the conversation by thanking the employee for being open and listening to you. For example, 'I want to thank you for being open to this and for taking this on board.'

#### **Keep notes**

Write down notes as the conversation progresses. Document any agreement and give a copy to the employee where appropriate. This should include (where relevant):

- · agreed outcomes with dates and standards
- any support or training to be provided to the employee
- any consequences if the agreement is breached

# How to manage emotions

## **Understanding emotions**

People behave the way they do for a reason. Generally we look for ways to belong, feel significant, and protect ourselves and our self-esteem. We have positive emotional responses when our needs are met, our expectations are fulfilled and our beliefs are confirmed. When they are not, we may display a range of negative emotions, including nervousness, anger, frustration or fear.

Often a difficult conversation goes wrong because of the emotions involved – not because of who is right or wrong. As a manager, a critical role you can play is to manage not only your emotions but also those of your employee.

#### Manage your emotions

Approach the situation rationally and objectively. Being angry or defensive will rarely give you the outcome you want.

Think about what your body language is saying: does it signal that you are approachable, non-threatening and ready to talk and listen?

Use a low and calm tone of voice. Your tone of voice may say more than the actual words you use.

Don't be afraid to be empathetic during the conversation with your employee. If you find yourself getting worked up, it may help to take a deep breath or silently count to 10 before you speak.

Speak slowly and avoid using long complex sentences. Try to be clear and direct with your communication.

Consider your view of the employee – if you are angry with them or have a poor relationship with them, it may affect your ability to resolve the issue successfully. Focus on the issue not your feelings or the person involved.

#### Manage your employee's emotions

It's quite likely that you will face negative emotions during a difficult conversation. Employees are likely to feel nervous, defensive, sad, frustrated or afraid when having a difficult conversation.

Don't just focus on the content of the conversation – pay attention to the emotions as well. Listen to the words and the feelings.

Strategies for handling difficult emotions in employees include:

- showing genuine interest in what the employee has to say
- expressing support and reassurance, for example 'I can see this is hard for you' or 'It's ok to be upset about this'
- remaining calm. If you are emotional and upset it will only make the employee more upset.
   Manage your own reaction (don't become inflamed or defensive)

- apologise, if appropriate. For example, 'I am sorry but I cannot grant you your leave at such short notice'
- do not make a promise you cannot fulfil just to diffuse the employee's emotional reaction
- reinforce the behaviour you want. For example, by saying: 'I am really happy with the way
  you have taken this feedback on board' or 'It is good that you are open to discussing this
  topic'
- show that you are taking account of their emotions and their needs. For example, 'So how do you feel about what we have discussed and decided on?'

## Things to watch out for

Reacting to demands or threats.

Making accusations or laying blame, such as 'You did ...', 'You are ...' or 'You told me that ...' It's best to avoid the use of the word 'you'. Doing this keeps the conversation focused on the impact of the behaviour rather than blame.

Relying on assumptions about what the employee has said or thinks. Check that your assumptions are valid and be prepared to adapt.

# After the conversation

#### **Document the conversation**

After the conversation:

- document the discussion you had
- write down any agreements that were reached
- include the date and time, and who was present at the meeting.

Keeping notes is important in case you need to refer back to what was said or agreed at a later date.

The template <u>Your conversation plan</u> at the end of this Guide can help you document the conversation.

#### Reflect

After the conversation, take some time to reflect on the matter and regroup. Learn from the experience and think about what you could do differently next time.

Debrief with human resources or a more senior manager if you feel you need to discuss the matter. Avoid discussing the matter with other staff members.

#### Follow-up

It is important to make sure that you and your employee are clear about the issue moving forward. It's a good idea to confirm what you have agreed in writing.

Take the steps you agreed to take. Allow the employee sufficient time to take the steps they agreed upon. Then follow up with the employee to find out whether the issue has been resolved or needs revisiting. Provide the employee further guidance or support if they need it.

One party or another may still feel aggrieved. Be empathetic where appropriate and keep communication lines open.

After the conversation you should not:

- gossip about your conversation at work keep the matter confidential
- avoid the employee or treat them differently remain professional
- follow up your conversation with a demanding email or phone call (for example, 'I need you to give me this by XYZ').

# What if you can't resolve the problem?

If you haven't been able to reach an appropriate outcome, you can seek advice from:

- your business or industry association
- professional bodies, such as the Australian Institute of Human Resources
- the Fair Work Ombudsman fairwork.gov.au

# Attachment: Your conversation plan

You can use this template to help you to prepare for your conversation. Stay focused on the issues and arrive at a solution.

Before the conversation – what are the issues you want to discuss?
What impact is the problem having on you, your team or business?
What information do you need from your employee?
What is your idea of a possible solution/s?
During/after the conversation
Write down the details either during or as soon after the conversation as possible. Keep to the fact not what you thought or felt of the conversation.
What was the employee's response to the issue or concern raised?
Has any new information come to light?

Are there any facts, issues or entitlements that need to be checked?
What solution/s did your employee suggest?
Describe the agreement you reached in the conversation
Next steps
Write down any agreements that were reached and any actions to be taken to help solve the issue and by when.
For you:
For your employee:
Date for a follow up meeting:

#### **CONTACT US**

Fair Work Online: fairwork.gov.au

Fair Work Infoline: 13 13 94

Need language help?

Contact the Translating and Interpreting Service

(TIS) on 13 14 50

Hearing & speech assistance

Call through the National Relay Service (NRS):

For TTY: 13 36 77. Ask for the Fair Work Infoline

13 13 94

Speak & Listen: 1300 555 727. Ask for the Fair

Work Infoline 13 13 94

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