

## Managing underperformance – the ‘formal steps’ checklist

If you have followed the ‘initial steps’ and your employee’s performance hasn’t improved it may be time to move to the ‘formal steps’ part of the process.

The following checklist has been created to help you plan and conduct a formal underperformance meeting with your employee, and document the issue.

### Before the meeting

- Arrange to meet with the employee at a time and in a place where you won’t be interrupted, overheard or rushed. Consider having a senior employee to attend as a witness and note-taker.
- Tell the employee why you want to meet with them and who will be at the meeting.
- Allow the employee to bring a support person of their choice to the meeting, if they want to.

*A support person may be a co-worker, family member, friend or union representative. Their role is to support the employee during the meeting, not to speak or advocate for them.*

- Carefully plan what you want to say at the meeting using our [underperformance meeting plan template](#).
- Gather relevant paperwork (eg. the employee’s performance agreement, job description and any performance improvement plan) and any documents that demonstrate the underperformance (eg. work examples, complaints or performance statistics).

### During the meeting

- Clearly explain why you’re meeting with the employee.
- Describe the underperformance in issue and clearly explain why it’s an issue, using specific examples and focusing on facts.
- Set out any steps you’ve taken so far to resolve the issue (eg. feedback and warnings) as well as the support you’ve provided (eg. training).
- Invite the employee to respond to what you’ve said and to explain their performance, and ask them what they think can be done to improve it.
- Consider what the employee has said.  
*If you need more time to think about or look into what the employee has said, close the meeting and agree to meet again in a day or two.*

- Decide on a way forward with the employee, including if you’ll provide any further assistance or support or make any adjustments. Record this using our [performance improvement plan template](#).
- Tell the employee if you’ll be issuing a verbal or written warning. Provide them with a written warning using our [template warning letters](#), or record a verbal warning using our [meeting record template](#).
- Explain what will happen next if the employee’s performance doesn’t improve (eg. a further warning).

### After the meeting

- Confirm the outcome of the meeting in writing and invite the employee to respond. Include:
  1. What was discussed (including any issues raised by the employee).
  2. What the employee needs to do to improve their performance.
  3. Any support or assistance you’ll provide.
  4. Whether a verbal or written warning was, or will be, issued.
  5. What will happen next if the employee’s performance doesn’t improve.
- Keep thorough notes of the meeting and copies of any letters, emails or warnings, and sign and date these documents. Ask the employee and any witnesses to do the same. If the employee refuses, make a record of the refusal.
- Give the employee a reasonable period of time to improve their performance (typically 6-8 weeks).
- Regularly check-in with the employee over that period to discuss how they’re progressing.
- Formally meet with the employee again at the end of the period to review their performance.
- If the employee’s performance has improved enough, close the process. Follow up in writing and clearly explain that they must maintain the improvement.
- If the employee’s performance hasn’t improved, consider taking further action.

#### Find out more

For more information see our online learning course on managing performance at [www.fairwork.gov.au/learning](http://www.fairwork.gov.au/learning)

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

The information contained in this template 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.