



Brian Walters and Associates ***Management Consulting Services***

INTRODUCTION

This document addresses the issue of the proper method of counseling employees. In every organization, there is a need for consistent treatment of all employee issues, and the successful administration of this program will serve to correct negative behaviour in employees who are worth developing. At the same time, it will assist in purging the business of employees who will not or cannot change the behaviour patterns that go against the company's established policies.

REASONS TO IMPLEMENT A COUNSELING PROGRAM

The primary intent of a counseling program is to rehabilitate an employee whose work habits generally make him/her an asset to the business. Understanding this fact is critical to the successful implementation of a counseling program.

The other important intent of a counseling program is to provide the management team with an effective method of purging the business of non-productive employees.

- One of the main errors that a management team can commit is to allow an underperforming employee to remain on the payroll. This causes problems for fellow associates, and ultimately customers as well. Being able to follow a system designed to address situations such as this will lead to this type of employee no longer having to remain in the business.
- It is significant to note that even if an employee is not performing to standard, an effort has to be made to rehabilitate that employee. Terminating an employee without due process leaves the company vulnerable to potential litigation. Even though there is an "employment at will" clause implicit in the employment arrangement at most places of business, the threat of litigation arising from a wrongful termination lawsuit still exists. At minimum, the company may have to defend terminating the employee at an unemployment compensation hearing.

ADMINISTERING THE COUNSELING PROGRAM

The steps that will now be discussed are provided as an example of how a counseling program can be administered. In your individual organization, you may choose to have a more lenient, or more aggressive, set of steps that is designed to rehabilitate the behaviour of an employee. However, what is important is that the steps are spelled out specifically for all employees to know, and that they are enforced consistently among all employees.



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Verbal Warning: At the first sign that there is a behaviour pattern that needs to be adjusted, management should have a discussion with the employee. The discussion must be frank and specific with regard to activities, times, and deviation from the established procedure.

It is important to obtain a verbal commitment from the employee that the behaviour pattern will be corrected. This step will promote buy-in from the employee's point of view, and the conversation becomes less confrontational.

- If the verbal commitment is obtained from the employee, this step is often as far as it is necessary to go into the counseling process. The discussion has to be documented by the member of management conducting the session, but it need not be shown to the employee.

First Written Discussion: The behaviour pattern has now been repeated, and the employee is at the stage where stronger disciplinary action is now necessary. The principles are the same as in the verbal discussion, but now the next step is obtaining the employee's signature on the agreement that the problem needs to be corrected.

- The discussion should take place on the first day after the recurrence of the behaviour that the employee returns to work.
- The employee should be shown the verbal documentation of the previous discussion, and it should be reiterated to him that the opportunity has existed since the violation of the work rule for him to correct the behaviour.
- Once again, it is necessary to be very specific with regard to dates and times, and deviation from the standard.
- In the solution step, it is recommended that the employee write this himself. Writing the solution step will again go a long way toward promoting employee buy-in. It also gives management an opportunity to gauge whether or not the employee has a clear understanding of the problem and what the appropriate steps are to fix it.
- It is not advisable to discuss why the problem is occurring, since this will lead to stories and other excuses from the employee. A plain re-statement of the pattern of deviation from the standard is all that is necessary to let the employee know what his status is.

Second Written Discussion: This is now the final opportunity for the employee to correct his negative behaviour. There has been more than enough time for him to address the issue; if it is still a problem, he either has no intention of correcting it, or he will not be able to correct it. Either way, this employee does not need to be employed by the business.



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- The issue again needs to be brought up to the employee on the next day that he arrives at work.
- A re-statement of the entire history of the issue needs to be done. It is advisable to go through the entire counseling document, re-stating all the discussions that have taken place so far.
- The employee needs to understand in no uncertain terms that if the behaviour is repeated, he will be terminated from his position. This is called the job-in-jeopardy clause.
- The solution plan again needs to be created by the employee, in his writing, and with his commitment. It needs to address the issue of why the problem keeps recurring, and that if it occurs again, he understands that he will be terminated.

Final Discussion: Once the behaviour pattern has repeated itself one last time, that employee needs to be terminated. He has had three previous opportunities, each more emphatic than the one before, to correct his behaviour. If it has not been corrected at this point, it will likely never be corrected, and that employee is a liability for the business.

- Wherever possible, the situation needs to be discussed with the employee in the presence of another member of management on the first day that he is scheduled after the final recurrence of the incident.
- A brief run-through of the history of the disciplinary activities to date is necessary.
- The employee needs to be reminded of the previous solution plan written by him that he has not lived into. He needs to be told, without emotion, that there is a business need for him to be relieved of his position at the place of business.
- Situations such as this normally create several emotions ranging from fear and hysteria to hostility. This is why the presence of another member of management is recommended.
- It is advisable to have a final check ready for the employee before the discussion starts. Due to the highly emotional state that the employee could possibly be in, a final check can diffuse some of the hostility, and will eliminate the need for further contact with that employee beyond the final discussion.

CONSIDERATIONS

- It is of critical importance to address each incident that produces an undesirable behaviour as soon as the behaviour exhibits itself. Each discussion should take



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place before the end of the employee's next shift. Corrective action is most effective when it is immediate.

- The counseling process is most effectively administered when it is void of emotion on the part of the member of management. Reacting out of anger toward a poor employee can have as much of a negative effect as reacting out of pity to a well-liked employee. Either reaction will taint the judgment of the member of management, leading to decisions that are not in the best interest of the business.
- Employees may violate more than one work rule at a time. If this is the case, the counseling program needs to be initiated on each unwanted behaviour. An employee cannot be counseled for one activity, then have another type of activity be the cause for an escalation in the counseling process.
- Documentation is critical in administering the counseling process. This is especially important in the verbal stage of the process, where it is not necessary to have an employee sign a counseling form. The record-keeping function of the management team has to be consistent. *The lack of proper documentation of counseling activity is one of the most common reasons why unemployment cases are won by a terminated employee.*
- There might be some behaviour patterns that represent gross violations of policy, and may lead the manager to accelerate the counseling process. These activities are defined by the management team, in consultation with the Human Resources Department (if there is one). Committing any one of these acts may result in the employee being terminated without all of the steps described here being followed.