

# Handling People Problems

If you manage people you have to manage people problems. They are bound to happen, and you will be the person on the spot who has to handle them. The basic approach you should use in tackling people problems is to:

1. *Get the facts.* Make sure that you have all the information or evidence you need to understand exactly what the problem is.
2. *Weigh and decide.* Analyse the facts to identify the causes of the problem. Consider any alternative solutions to the problem, and decide which is likely to be the most successful.
3. *Take action.* Plan what you are going to do, establish goals and success criteria, and put the plan into effect.
4. *Check results.* Monitor the implementation of the plan.

This chapter looks at some common and typical people management problems:

- absenteeism;
- disciplinary issues;
- negative behaviour;
- poor timekeeping;
- underperformance.

## Absenteeism

A frequent people problem you probably have to face is absenteeism. A survey on absence management by the Chartered Institute of Personnel and Development (CIPD) in 2009 revealed that on average employers lost 7.4 working days for each member of staff per year, and absence cost employers on average £666 per employee per year. Your own organization should have figures on average absence levels. If the levels in your department are below the average

for the organization, or in the absence of that information, below the national average, you should not be complacent. You should continue to monitor individuals to find out whose absence levels are above the average and why. If your department's absence figures are significantly higher than the norm, you may have to take more direct action, such as discussing with individuals whose absence rates are high the reasons for their absences, especially when it has been self-certified. You may have to deal with recurrent short-term (one- or two-day) absence or longer-term sickness absence.

## Recurrent short-term absence

Dealing with people who are repeatedly absent for short periods can be difficult. This is because it can be hard to determine whether the absences are justifiable, perhaps on medical grounds.

Many organizations provide guidelines to managers on the 'trigger points' for action (the amount of absence that needs to be investigated), perhaps based on analyses of the incidence of short-term absence and the level that is regarded as acceptable. (It might be possible to use software to generate analyses and data which can be made available direct to managers through a self-service system.) If guidelines do not exist you can seek advice from an HR specialist, if one is available. In the absence of either of these sources of help and in particularly difficult cases, it may be advisable to recommend to higher management that advice is obtained from an employment law expert.

This sort of guidance is not always available, though, and you may have to make up your own mind when to do something and what to do. A day off every other month might not be too serious, although if it happens regularly on a Monday (after weekends in Prague or Barcelona, perhaps?) or a Friday (before such weekends?) you might choose to have a word with the individual, not as a formal warning but just to let them know you are aware what is going on. There might be a medical or other acceptable explanation. Return-to-work interviews can provide valuable information: they give the individual ample opportunity to explain their absence.

In persistent cases of absenteeism you can hold an absence review meeting. Although this is more comprehensive than a return-to-work interview, it should not at this stage be presented as part of a disciplinary process. The meeting should be positive and constructive. If absence results from a health problem, you can find out what the employee is doing about it, and if necessary suggest that a doctor be consulted. Absences might alternatively be caused by problems facing a parent or a carer. In such cases you should be sympathetic, but you can reasonably discuss with the individual what steps can be taken to reduce the problem. You might be able to agree on flexible working if that can be arranged. The aim is to get the employee to discuss as openly as possible any factors affecting their attendance, and to agree any constructive steps that can be taken.

If you have held an attendance review meeting and agreed on the steps necessary to reduce the number of absences, but short-term absences persist without a satisfactory explanation, then

another meeting can be held which emphasizes the employee's responsibility to attend work. Depending on the circumstances (each case should be dealt with on its merits), at this meeting you can link any positive support with an indication that following the provision of support, you expect absence levels to improve over a defined timescale (an improvement period). If this does not happen, the individual can expect more formal disciplinary action.

## Long-term absence

Dealing with long-term absence can be difficult. The aim should be to facilitate the employee's return to work at the earliest reasonable point, while recognizing that in extreme cases the person might not be able to come back. In that case they can fairly be dismissed for lack of capability provided:

- the employee has been consulted at all stages;
- contact has been maintained with the employee – this is something you can usefully do as long as you do not appear to be pressing them to return to work before they are ready;
- appropriate medical advice has been sought from the employee's own doctor: note that the employee's consent is needed, the employee has the right to see the report, and it might be desirable to obtain a second opinion;
- all reasonable options for alternative employment have been reviewed, as well any other means of facilitating a return to work.

The decision to dismiss should only be taken if these conditions are satisfied. This is a tricky situation, and you should seek advice before taking action, from HR if available, or from an employment law expert.

## Disciplinary issues

Employees can be dismissed because they are not capable of doing their assigned work, or for misconduct. It is normal to go through a formal disciplinary procedure containing staged warnings, but instant dismissal can be justified for gross misconduct (such as serious theft), which should be defined in the company's disciplinary procedure or employee handbook. Anyone with a year's service or more can claim unfair dismissal if their employer cannot show that one of these reasons applied, if the dismissal was not reasonable in the circumstances, if a constructive dismissal has taken place, or if there has been a breach of a customary or agreed redundancy procedure and there are no valid reasons for departing from that procedure.

Even if the employer can show to an employment tribunal that there was good reason to dismiss the employee, the tribunal will still have to decide whether or not the employer acted in a reasonable way at the time of dismissal. The principles defining 'reasonable' behaviour are in line with the principles of natural justice:

- The employee should be informed of the nature of the complaint.
- The employee should be given the chance to explain.
- The employee should be given the opportunity to improve, except in particularly gross cases of incapability or misconduct.
- The employee should be warned that dismissal will be a likely outcome if specified improvements do not take place.
- The employer's decision to dismiss should be based on sufficient evidence.
- The employer should take any mitigating circumstances into account.
- The offence or misbehaviour should merit the penalty of dismissal rather than some lesser penalty.

Your organization may have a statutory disciplinary procedure. You need to know what that procedure is and the part you are expected to play in implementing it. Whether or not there is a formal procedure, if you believe that disciplinary action is necessary you need you take the following steps when planning and conducting a disciplinary interview.

1. Get all the facts in advance, including statements from all the people involved.
2. Invite the employee to the meeting in writing, explaining why it is being held and that they have the right to have someone present at the meeting to speak on their behalf.
3. Ensure that the employee has reasonable notice (ideally at least two days).
4. Plan how you will conduct the meeting.
5. Line up another member of management to attend the meeting with you to take notes (they can be important if there is an appeal) and generally provide support.
6. Start the interview by stating the complaint to the employee and referring to the evidence.
7. Give the employee plenty of time to respond and state their case.
8. Take a break as required to consider the points raised and to relieve any pressure in the meeting.
9. Consider what action is appropriate, if any. Actions should be staged, starting with a recorded warning, followed if the problem continues by a first written warning, then a final written warning and lastly, if the earlier stages have been exhausted, disciplinary action, which can be dismissal in serious cases.
10. Deliver the decision, explaining why it has been taken, and confirm it in writing.

If all the stages in the disciplinary procedure have been completed and the employee has to be dismissed, or immediate dismissal can be justified on the grounds of gross misconduct, you

might have to carry out the unpleasant duty of then dismissing the employee. Again, you should have a colleague or someone from HR with you when you do this. You should:

1. If possible, meet when the office is quiet, preferably on a Friday.
2. Keep the meeting formal and organized.
3. Write down what you are going to say in advance, giving the reasons and getting your facts, dates and figures right.
4. Be polite but firm. Read out what you have written down and make it clear that it is not open for discussion.
5. Ensure that the employee clears their desk and has no opportunity to take away confidential material or use their computer.
6. See the employee off the premises. Some companies use security guards as escorts but this is rather heavy-handed, although it might be useful to have someone on call in case of difficulties.

## Negative behaviour

You may well come across negative behaviour from time to time on the part of one of the members of your team. This might take the form of lack of interest in the work, unwillingness to cooperate with you or other members of the team, complaining about the work or working conditions, grumbling at being asked to carry out a perfectly reasonable task, objecting strongly to being asked to do something extra (or even refusing to do it – ‘It’s not in my job description’) or, in extreme cases, insolence. People exhibiting negative behaviour may be quietly resentful rather than openly disruptive. They mutter away in the background at meetings and lack enthusiasm.

As a manager you can tolerate a certain amount of negative behaviour as long as the individual works reasonably well and does not upset other team members. You have simply to say to yourself ‘It takes all sorts,’ and put up with it, although you might quietly say during a review meeting ‘You’re doing a good job but...’ If however you do take this line, you need to be specific. You must cite actual instances. It is no good making generalized accusations which will be either openly refuted or internalized by the receiver, making them even more resentful.

If the negative behaviour means that the individual’s contribution is not acceptable and they are disruptive, then you must take action. Negative people can be quiet, but they are usually angry about something; their negative behaviour is an easy way of expressing their anger. To deal with the problem it is necessary to find out what has made the person angry.

## Causes of negative behaviour

There are many possible causes of negative behaviour, including:

- a real or imagined slight from you or a colleague;
- a feeling of being put upon;
- a belief that the contribution made by the person is neither appreciated nor rewarded properly in terms of pay or promotion;
- resentment at what was perceived to be unfair criticism;
- anger directed at the company or you because what the individual considered to be a reasonable request (perhaps for leave or a transfer) was turned down, or because of a perceived unfair accusation.

## Dealing with the problem

It is because there can be such a variety of real or imagined causes of negative behaviour that dealing with it becomes one of the most difficult tasks you have to undertake. If the action taken is crude or insensitive, the negative behaviour will only be intensified. You might end up having to invoke the disciplinary procedure, but this should be your last resort.

In one sense, it is easier to deal with an individual clear instance of negative behaviour. This can be handled on the spot. If the problem is one of general attitude rather than specific actions, it is more difficult to cope with. Hard evidence might not be available. When individuals are accused of being generally unenthusiastic or uncooperative, for example, they can simply go into denial, and accuse you of being prejudiced. Their negative behaviour might be reinforced.

If you have to deal with this sort of problem it is best to do it informally, either when it arises or at any point during the year when you feel that something has to be done about it. An annual formal performance review or appraisal meeting is not the right time, especially if it produces ratings which are linked to a pay increase. Raising the issue then will only put individuals on the defensive, and a productive discussion will be impossible.

The discussion may be informal, but it should have three clear objectives:

1. To discuss the situation with the individual, the aim being if possible to get them to recognize for themselves that they are behaving negatively. If this cannot be achieved, then the object is to bring to the person's attention your belief that their behaviour is unacceptable in certain ways.
2. To establish the reasons for the individual's negative behaviour so far as this is feasible.
3. To discuss and agree any actions the person could take to behave more positively, or what you or the organization could do to remove the causes of the behaviour.

### *Discussing the problem*

Start by asking generally how the person feels about their work. Do they have any problems in carrying it out? Are they happy with the support they get from you or their colleagues? Are they satisfied that they are pulling their weight to the best of their ability?

You may find that this generalized start provides the basis for the next two stages, identifying the causes and remedies. It is best if individuals are encouraged to identify for themselves that there is a problem. But in many, perhaps most, cases this is unlikely to happen. Individuals might not recognize that they are behaving negatively, or will not be prepared to admit it.

You will then have to discuss the problem. You could say truthfully that you are concerned because the person seems to be unhappy, and you wish to know whether they feel that you or the organization is treating them unfairly. If so, you want to try to put things right. Give the person time to say their piece, then provide a rational response, dealing with the specific grievances they bring up. You can indicate that if the person is not satisfied with your explanation, they can have an opportunity to discuss the problem with a more senior manager, indicating that you recognize your judgement is not final.

If the response you get to these initial points does not bring out into the open the problem as you see it, you will have to explain how the individual's behaviour gives the impression of being negative. Be as specific as possible, bringing up actual instances. For example, a discussion could be based on the questions, 'Do you recall yesterday's team meeting?' 'How did you think it went?' 'How helpful do you think you were in dealing with the problem?' 'Do you remember saying...?' 'How helpful do you think that remark was?' 'Would it surprise you to learn that I felt you were not particularly helpful in the following ways...?'

Of course, even if you adopt this careful approach, there will be occasions when individuals refuse to admit that there is anything wrong with their behaviour. If you reach this impasse, you have no alternative but to spell out to them your perception of where they have gone wrong. But do this in a positive way: 'Then I think it is only fair for me to point out that your contribution (to the meeting) would have been more helpful if you had...'

### *Establishing causes*

If the negative behaviour is because of a real or imagined grievance against you, a colleague or the organization as a whole, try to get the person to spell out what it is as precisely as possible. At this point your job is to listen, not to judge. People can be just as angry about imaginary slights as about real ones. You have to find out how they perceive the problem before you can deal with it.

It might emerge during the discussion that the problem has nothing to do with you or the company. Perhaps the individual has family troubles, or worries about health or finance. If this is the case you can be sympathetic, and may be able to suggest remedies in the form of counselling or practical advice from within or outside the organization.

If the perceived problem is related to you, colleagues or the organization, try to get chapter and verse so that you are in a position to take remedial action or to explain the real facts of the case.

### *Taking remedial action*

If the problem rests with the individual, the objective is, of course, to get them to recognize for themselves that corrective action is necessary and what they need to do about it – with your help as necessary. In some situations you might suggest counselling or recommend a source of advice. But be careful, since you do not want to imply that there is something wrong with the person. You should go no further than suggesting they might find your proposal helpful, hinting that they perhaps do not really need the help, but might nevertheless benefit from it. You should be careful about offering to counsel someone yourself. It is better done by professional counsellors.

If there is anything specific that the parties involved in the situation can do, the line to take is that you and the employee can tackle the problem together. Cover the issues, ‘This is what I will do’, ‘This is what the company will do’, and ‘What do you think you should do?’ If there is no response to the last question, this is the point where you have to spell out the action you think the person needs to take. Be as specific as possible, and try to phrase your proposals as suggestions, not commands. A joint problem-solving approach is always best.

### *Ten steps to managing negative behaviour*

1. Define the type of negative behaviour that is being exhibited. Make notes of examples.
2. Discuss the behaviour with the individual as soon as possible, aiming to get agreement about what they are doing and the impact it makes.
3. If they do not immediately agree that there is a problem, give actual examples of their behaviour and explain why you believe it to be negative.
4. Discuss and as far as possible agree reasons for the negative behaviour, including those attributed to the individual, yourself and the organization.
5. Discuss and agree possible remedies – actions on the part of the individual, yourself or the organization.
6. Monitor the actions taken and the results obtained.
7. If improvement is not achieved and the negative behaviour is significantly affecting the performance of the individual and the team, invoke the disciplinary procedure.

8. Start with a verbal warning, indicating the ways in which the person's behaviour must improve. Give a timescale and offers of further support and help as required.
9. If there is no improvement, issue a formal warning, setting out as specifically as possible what must be achieved over a defined period of time, and indicating the disciplinary action that could be taken if this is not done.
10. If the negative behaviour persists and continues seriously to affect performance, take the threatened disciplinary action.

## Poor timekeeping

If you are faced with persistent lateness and your informal warnings to the individual concerned seem to have little effect, you might be forced to invoke the disciplinary procedure. If timekeeping does not improve this could go through the successive stages of a recorded oral warning, a written warning and a final written warning. If the final warning does not work, disciplinary action will have to be taken. In serious cases this means dismissal.

Note that this raises the difficult question of time limits. When you give a final warning, it will indicate that timekeeping must improve by a certain date, the improvement period. If it does improve by that date, and the slate is wiped clean, it might be assumed that the disciplinary procedure has to start again from scratch if the person's timekeeping deteriorates again. But it is in the nature of things that some people cannot sustain efforts to get to work on time for long, and deterioration often occurs. In these circumstances, do you have to keep on going through the warning cycles time after time?

The answer should be no, if you phrase your warning correctly. It is best to avoid setting a finite end date to a final warning period, since this does imply the 'wipe the slate clean' approach. Instead, state in the warning that the individual's timekeeping will be reviewed on a fixed date. If it has not improved, further disciplinary action is likely to be taken. If it has improved, no action will be taken, but the employee should be warned that further deterioration will make them liable to a shortened disciplinary procedure, which could for example use just a final warning stage, and set a shortened period between this renewed warning and the review date. If the poor timekeeping persists, at some point you will say 'enough is enough' and initiate the disciplinary action.

## Underperformance

Perhaps there is someone who is underperforming in your team. If so, what can you do about it? Essentially, you have to spot that there is a problem, understand the cause of the problem, decide on a remedy and make the remedy work.

Poor performance can be the fault of the individual, but it could also arise because of poor leadership or problems in the system of work. If the problem lies with the individual, they might:

- not be capable of doing what is required (an issue of ability);
- not know how to do it (an issue of skill);
- not be willing to do it (an issue of attitude);
- not fully understand what is expected of them.

Inadequate leadership can be a cause of individual poor performance. It is the manager's responsibility to specify the results expected and the levels of skill and competence required. As likely as not, when people do not understand what they have to do, their manager is to blame.

Performance can also be affected by the system of work. If this is badly planned and organized or does not function well, people cannot fully be blamed for their poor performance. It is the fault of management, and they must put it right.

Assuming you are confident that neither poor leadership nor the system of work are the cause of the problem, these are the seven steps you can take to deal with underperformers:

1. Identify the areas of underperformance. Be specific.
2. Establish the causes of poor performance.
3. Agree on the action required.
4. Ensure that the necessary support (such as coaching, training or extra resources) is provided to enable the action to be successful.
5. Monitor progress and provide feedback.
6. Provide additional guidance as required.
7. As a last resort, invoke the capability or disciplinary procedure, starting with an informal warning.