

MEDIA RELEASE

High performance culture must be matched with high quality employment practices

27 October 2009 – Businesses pursuing a ‘high performance culture’ should make sure employment processes are well-managed and that employee expectations are communicated at a company-wide level to avoid any perception by employees of personal intimidation or discrimination, according to Harmers Workplace Lawyers.

Nichola Constant, Senior Associate at Harmers Workplace Lawyers, said the best high performance businesses were the ones that ensured their workplace processes were implemented correctly. “Companies that set high standards for employee performance and company commitment, without the most rigorous of management guidelines and training, risk being subject to legal remedies by individual employees,” she said.

Ms Constant said while many employers have a good understanding of what constitutes best practice in this area, the importance of adhering to best practice performance management has been heightened by employees’ increased access to unfair dismissal legislation contained in the *Fair Work Act*.

“If an organisation has poor performance management processes, or even has good process but poor implementation then it is possible that an employee who has been dismissed for failing to adhere to certain performance standards,, may have cause to bring claims of unfair dismissal, breach of the *Fair Work Act’s* general protection provisions, or breach of contract claims upon the employer,” she said.

Ms Constant said a key element to ensure individual employees don’t feel daunted or intimidated or targeted by performance standards or the managers who monitor those standards, is to ensure expectations are communicated at a company or firm-wide level.

“Employers should communicate any ‘high-performance’ message equally with all employees, and that the message should be explained as company-wide or business division objectives to avoid any employee perceiving it to be an action of individual intimidation or discrimination.

“Also, for any employee that works part-time or on reduced hours, is taking maternity leave or has carer’s responsibilities outside of work, it is important they feel confident that an overarching expectation of high performance can be met by all employees, regardless of their individual circumstances, such as their ability to give out of hours time commitment to the business.”

She said it also helps to provide a clear explanation of how the set targets or higher standard of employee performance will help the business to succeed. “Employees will much more readily engage with high performance standards if they can see how they will help meet business objectives and, therefore, improve the individual benefits they enjoy,” she said.

Ms Constant also said that set targets should be regularly assessed and adjusted to changed business conditions or workplace circumstances. “For example, when managers set targets for business divisions or individual employees, they should take into consideration any reduction in business activity as a result of the current economic climate, and make allowances if there has been a reduction in workforce due to redundancies or due to unplanned attrition of workers who are not replaced with new hires.

“Any expectations whether unreasonable or perceived to be so, particularly if they are not made clear from the outset, can cause performance management issues that will counteract efforts to achieve a high performance workplace,” she said.

Her advice to employers promoting or seeking to establish high performance culture includes:

- ensure employees are aware of the performance criteria and the company and personal benefits of the high performance culture
- document the expected work standards
- recruit employees who will be able to meet these standards
- put processes in place to identify when standards have not been met
- inform employees in a timely manner if their performance has not been satisfactory and then take positive steps by providing training and mentoring opportunities
- set targets that are appropriate and not tied to unrealistic expectations; targets should be regularly reviewed and adjusted as required

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Note to editors:

About Harmers Workplace Lawyers

Harmers Workplace Lawyers was established in 1996 as a boutique employment law firm. Since then it has become one of Australia’s leading employment and industrial law firms, with offices in Sydney, Melbourne and Brisbane. The firm has been awarded Australasian Legal Business’s ‘employment specialist firm of the year’ for the past three years running.

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