

# Diminished Performance and Unsatisfactory Performance Policy

## Section 1 - Purpose and Objectives

(1) This Policy outlines the provisions for addressing and handling diminished performance and unsatisfactory performance. The Policy supplements and applies in accordance with the provisions specified in the [Enterprise Agreement](#).

## Section 2 - Definitions, Terms, Acronyms

Term	Definition
Enterprise Agreement	The <a href="#">University of Queensland Enterprise Agreement 2021-2026</a> , or as amended or replaced.
Representative	Another member of staff, a union representative and/or, at the choice of the staff member(s) involved, a nominee of a party to the Enterprise Agreement provided that the representative is not a currently practicing solicitor or barrister.
Senior Executive	<ul style="list-style-type: none"> <li>• professional staff - Chief Operating Officer;</li> <li>• academic staff - Pro-Vice-Chancellor;</li> <li>• TESOL Language Teaching staff - Deputy Vice-Chancellor (Global Engagement); or</li> <li>• another officer nominated by the University.</li> </ul>
Diminished Performance	Performance that is below the expectations relevant to the position.
Unsatisfactory Performance	Performance that continues to be below the expectations relevant to the position without demonstrable improvement, following steps taken to improve the performance through use of performance guidance and counselling.

## Section 3 - Policy Scope/Coverage

(2) This Policy applies to all continuing, continuing (contingent funded) and fixed-term staff employed in accordance with the Enterprise Agreement.

(3) This Policy does not apply to casual staff or persons engaged to perform unpaid duties at the University.

## Section 4 - Policy Statement

(4) This Policy will apply where a staff member's performance is not meeting the performance expectations relevant to the position and their performance is regarded as diminished. This Policy must be read in conjunction with the Enterprise Agreement.

(5) At all stages of this process, staff are entitled to be accompanied by a Representative.

## Section 5 - Performance Expectations

(6) It is essential that staff understand what is expected of them in their job and receive feedback on their achievements and areas that require improvement. As a minimum, this feedback must be provided on an annual basis through the Recognition and Development process for professional and TESOL staff and the performance appraisal process for academic staff.

(7) Supervisors are expected to set and monitor performance expectations for staff. Where the staff member is failing to meet the expectations of their role, early intervention by the supervisor is required.

## Section 6 - Assistance and Support

(8) Supervisors and staff may seek information in relation to the implementation of this Policy and the relevant provisions of the Enterprise Agreement from their local Human Resources staff or the Employee Relations staff in the Human Resources Division.

## Section 7 - Diminished Performance

(9) Where the supervisor forms the view that a staff member's performance is diminished, every reasonable effort will be made to resolve performance issues through guidance, counselling, appropriate staff development and/or appropriate work allocation.

(10) Such efforts will be made as soon as the supervisor identifies that the staff member's performance is diminished and should not be left until the annual review process.

(11) The staff member should be informed that failure to improve performance can lead to the commencement of the unsatisfactory performance process.

(12) If attempts to address diminished performance through the use of performance guidance and counselling are unsuccessful, the supervisor should commence the steps of the unsatisfactory performance process.

## Section 8 - Unsatisfactory Performance

(13) Where a supervisor has taken steps to improve the performance of a staff member through use of performance guidance and counselling without a demonstrable improvement in performance, the supervisor shall advise the staff member that the unsatisfactory performance process is being instigated in accordance with this Policy and the Enterprise Agreement. Steps 1 to 3 of the process, as specified in the Enterprise Agreement, must be undertaken before any disciplinary action, including termination of employment, is considered.

(14) The staff member must be provided with a copy of the relevant clause of the [Enterprise Agreement](#) and informed of the formal nature of the process at each stage.

(15) When considering whether or not the performance of a staff member is unsatisfactory, the supervisor will take into account only those matters over which the staff member has control and for which they could reasonably be held accountable.

### Termination due to Unsatisfactory Performance

(16) Termination of employment as a result of unsatisfactory performance will be subject to the notice requirements in section 117 of the [Fair Work Act 2009 \(Cth\)](#) or the notice period provided in the staff members Contract of

Employment, whichever is greater. Payment in lieu of such notice may be provided.

## **Resignation**

(17) If at any time during the unsatisfactory performance process, the staff member offers to resign with immediate effect, the resignation shall be accepted by the relevant Senior Executive and the process will cease.

## **Section 9 - Medical Conditions Affecting Performance**

(18) Where the failure of the staff member to meet performance expectations is due to, or believed to be due to a medical condition, the supervisor should refer to the [Medical Conditions Affecting Performance Policy](#) and [Medical Conditions Affecting Performance Procedure](#).

## Status and Details

<b>Status</b>	Current
<b>Effective Date</b>	21st August 2014
<b>Review Date</b>	21st August 2017
<b>Approval Authority</b>	Vice-Chancellor and President
<b>Approval Date</b>	21st August 2014
<b>Expiry Date</b>	Not Applicable
<b>Policy Owner</b>	Phil Vaughan Chief Human Resources Officer
<b>Enquiries Contact</b>	Human Resources Division