



17. Performance concerns

Addressing Performance Concerns

As a manager, you may be unsure how to deal with performance concerns for workers, including workers with a suspected or known mental illness. You are entitled to apply your standard performance management system to all workers where you have a legitimate concern about their performance.

However, as part of that performance management system, you will need to:

- take into account personal circumstances that may contribute to a worker’s performance issue, as you would for all workers
- consider whether a mental illness may be contributing to the poor performance
- consider the seriousness of the performance concern (as for more serious matters, such as violence, there may be no option but to take strong disciplinary action regardless of whether there is a reason, such as a mental illness)
- consider whether the performance concern relates to a key part of the job or if the work could be adjusted to address or avoid a recurrence of the particular concern
- encourage and enable the worker to discuss the performance concern and whether there are any health issues that may have impacted on their performance.

Where a mental illness has already been disclosed to you, discuss with the worker whether their illness has had an impact on their performance and how it can be addressed in future.

Where you already know that a worker has mental health issues (or they raise this during the performance process) it may be advisable to cease the performance management process at that stage. This will enable you to focus on the possible impact of their mental illness in a more a supportive and sensitive manner.

You could, for example, make it clear to the worker that:

- you have a performance concern about them
- their behaviour or performance was unacceptable
- you are aware or suspect they have a mental illness
- you would like to discuss how they see their mental illness impacting on their work and performance
- you are willing to explore whether there are reasonable work adjustments that could be made to accommodate the particular impact of their mental illness without compromising core job responsibilities
- you wish to make it clear that while the behaviour/performance was unacceptable, you are willing to explore whether there are options to prevent it occurring again, rather than it becoming a formal performance management process

- if the performance issues cannot be resolved, or reasonable adjustments cannot be made or do not work, you will need to revisit the issue as a performance concern at that point.

If the worker has not disclosed a mental illness, it is still possible for you to explore ways to adjust their work to try to avoid the performance concern occurring again or to pursue the normal procedures for unsatisfactory performance.

As with all workers with performance issues, you need to:

- address your concerns with the worker in a sensitive manner by identifying work-related adjustments to assist them meet the inherent requirements of the position
- provide a timeline to implement the work-related adjustments
- ensure that you and the worker are both clear about the requirements of the job and standards for performance
- undertake disciplinary action or termination if
 - it is not a result of mental illness
 - it is directly related to performance or an inability to perform the key requirements of the job
 - it occurs after considering whether reasonable adjustments are possible.

If poor work performance continues after the identified timeline you may decide to recommence the disciplinary process with the worker.

SOURCE: Australian Human Rights Commission, Australian Human Rights Commission, [Workers with Mental Illness: a practical guide for managers](#), 2010, pp. 19–20

 **Remember to Update your Plan!**