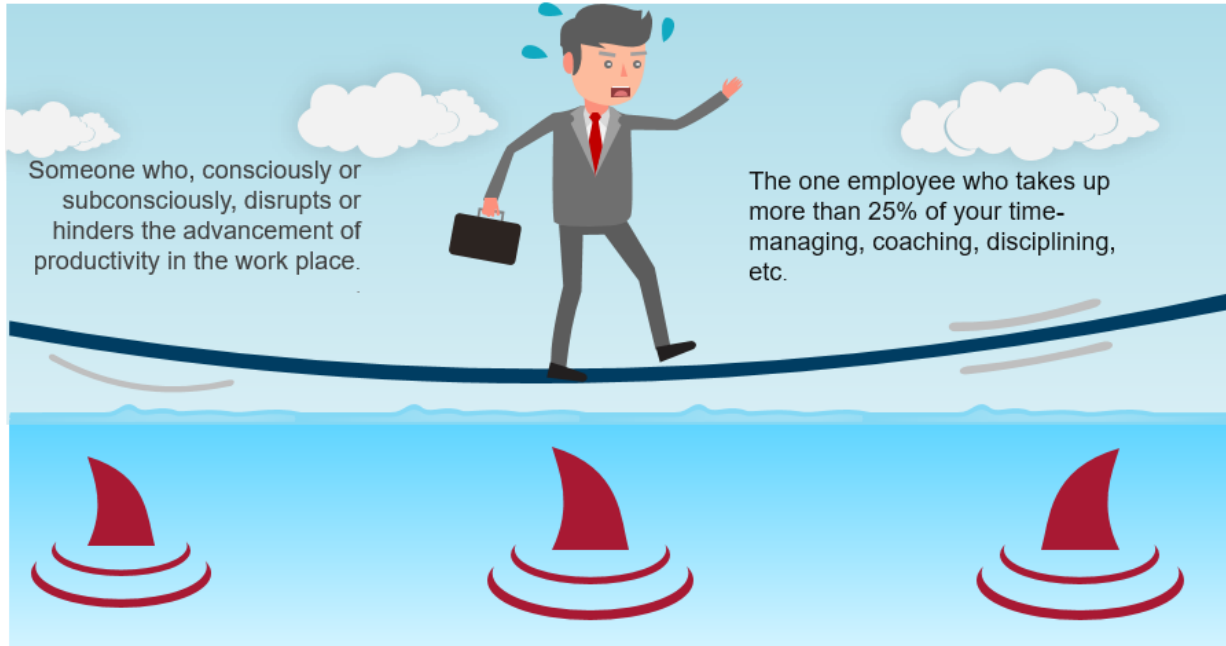




Managing the ‘Difficult’ Employee

André Richard, Q.C.
Catherine Lahey, Q.C.

What is a difficult employee?



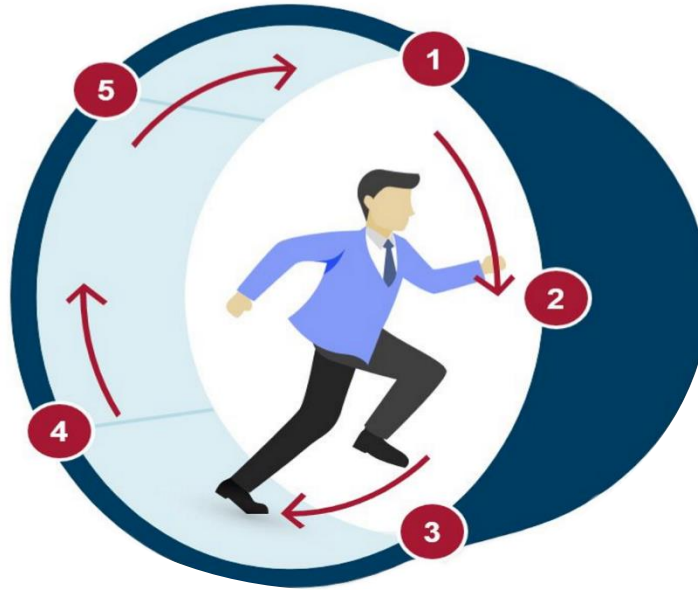
Why bother managing your difficult employees?

Turnover

Consider both the direct and the indirect costs

Morale

The impact upon your overall staff is significant.



Liability

Claims for harassment and bullying on the rise.

Productivity

Difficult employees drag overall performance down.

PR

If it goes wrong – can go really wrong.



CRANKY EMPLOYEE

Employee tells co-worker – I hope you have a horrible Christmas!



THE DECISION

The Grievor did not apologize. Her comments amounted to verbal abuse. Written warning upheld.

LESSONS LEARNED

The Employer conducted a fair and impartial investigation and concluded that a measured response was required. The Employer stuck to their guns and pushed forward to arbitration.





THE BULLY

Grievor calls fellow employees “bitch”; 17 co-workers refuses shifts with her.



THE DECISION

The grievor engaged in a pattern of verbal harassment. Her repeated behavior and failure to apologize justified termination.

LESSONS LEARNED



The Employer disciplined the employee on 3 prior occasions, appropriately encouraged employees to make complaints and conducted a thorough and impartial investigation.



Bartolotta



THE ABSENTEE EMPLOYEE

Employee misses 35% of time between 2010-2013



THE DECISION

The Arbitrator found that the absences were excessive, the employee has been warned and there was no expectation for improvement.

LESSONS LEARNED

This employee was consistent. Communication was clear. Finally the employer easily presented that past and future attendance did not meet the required standard.





Spielo



POOR PERFORMER

QA Tester with sick child was unable to meet performance standards.



THE DECISION

Termination for just cause upheld. Employee failed to meet clear, reasonable standard. No ulterior motive existed.

LESSONS LEARNED



Patience and making the hard decision. The employer set a reasonable standard and continued to enforce that standard.

Be aware

Make sure you know what is happening with your employees.

Don't judge

At least at the beginning...

Identify concerns

Identify the behavior that is concerning and why.

Plan

What are you going to say?
How will employee react?

Communicate concerns

Identify the behavior that you want to discuss.

Listen and document

Understand the employee's perspective. Write it all down.

Clear direction

Provide specific concrete goals.

Follow up

Good or bad.

Make the hard decision

Give the employee a reasonable opportunity to improve, but don't wait to terminate.

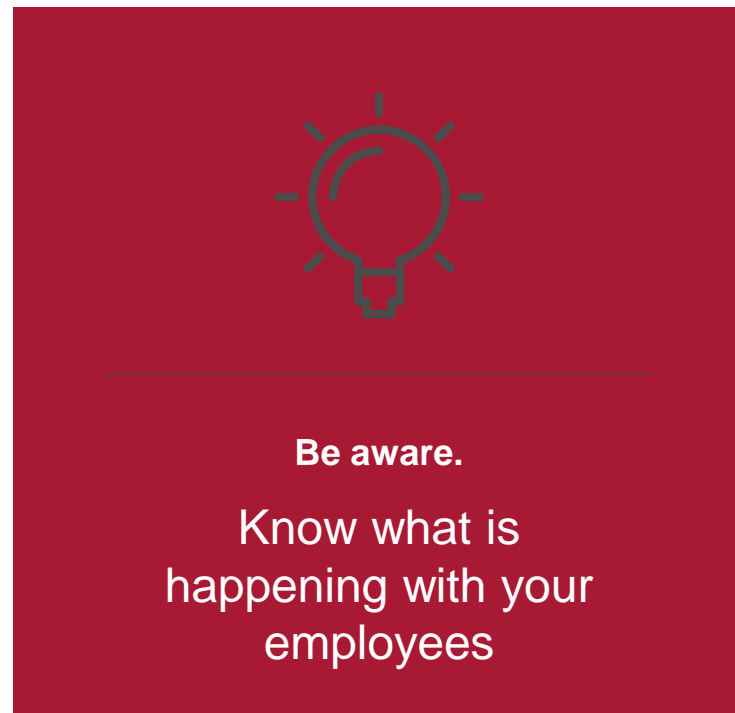


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Don't judge.

**Investigate – find out
what is really going
on.**



Identify the concerns.
**Analyze – what is the
problem behavior.**



Plan your discussion.

Know what you are going to say but think about how your employee might respond.



Communicate concerns.

Tell the employee about the behavior and what needs to improve.



Listen and document.
Understand what the
employee is saying.
Keep a record about the
conversation.



Provide clear direction.

The Employee needs to know exactly what to do to improve.



Follow up.
Good or bad, let the employee know how they fared.



Make the hard decision.
Sometimes relationships
don't work – figure it out
early and act.

The most important step!



A word cloud centered around the word "COMMUNICATION". The word "COMMUNICATION" is the largest and most prominent, rendered in a bold, white, sans-serif font with a black outline. Surrounding it are various other words in different sizes and orientations, including "media", "message", "information", "group", "service", "customers", "publicity", "news", "client", "audience", "PR", "service", "public", "group", "news", "client", "audience", "information", "PR", "service", "public", "group", "news", "client", "audience", "information", "PR". The words are arranged in a way that they appear to be floating around the central word, with some overlapping.



Questions?



Thank you!



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The materials should not be relied upon as a substrate for consultation with a lawyer with respect to the reader's specific circumstances. Each legal or regulatory situation is different and requires review of the relevant facts and applicable law.

If you have specific questions related to these materials or their application to you, you are encouraged to consult a member of our firm to discuss your need for specific legal advice relating to the particular circumstances of your situation.

Due to the rapidly changing nature of the law, Stewart McKelvey is not responsible for informing you of future legal developments.