

Why should  
organizations retain  
employees with  
performance or  
discipline problems...



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The paper "Should Firms Retain Employees with Performance or Discipline Problems or Just Fire Them?" is a potent example of a term paper on human resources. Poor performance shown by employees is a problem that the employers feel most concerned about because this is directly related to the reputation of an organization and minimizes the organization's productivity. But despite the threats imposed by poor performance on the part of the employees, should it resolutely lead to termination of the employees straight-away?

This question should be answered before taking any practical measures against an employee, since this is true, a poignant issue. Also, the strict laws stipulating the employment rights that are required to be followed make termination a risky and unwise act for the employers. Today, laws for employment have been clearly defined and are considered strict in most of the developed countries. Before deciding to terminate an employee, employers are required to fulfill unfavorable conditions and legal formalities. As per the requirements of a well-established judicial system, it is imperative that the employers validate the usefulness of termination and provide the court with proof that the employer's decision of termination was not biased in any way.

Risks for the employers

Employees' dismissal rights

In advanced countries, if the employee has been dismissed without a valid reason and prior formal notification or without being issued a warning, then the employee holds a right to raise a claim against the unfair dismissal.

Termination of a poor performer without notice is an employer's risk. Once such a claim is taken to a tribunal, it could be quite problematic for the <https://assignbuster.com/why-should-organizations-retain-employees-with-performance-or-discipline-problems-rather-than-just-fire-them/>

employer. Whether an employer wins his claim or otherwise, the costs of defending his point might incur the employer huge costs. On the contrary, if the employee wins his claim, then the employer is more often than not, bound to re-employ the dismissed employee and that too with a due compensation towards the employee. At times, there are orders for reinstatement or re-engagement included in the rights for the employee stated in the prevalent laws, which may require the employer to compensate the employee for the loss of earnings between the dismissal date and the date when the order is complied with.

Advanced countries are very particular about the rights of their citizens. The ACAS code emphasizes that the employees should be free to make an appeal against any formal decision taken by the employer against him/her. “ The employer must carry out a fair procedure and this means following the new ACAS code of practice introduced in April 2009.” (Cooke, 2010).

Discouragement offered to the employees with respect to the utilization of their fundamental rights is considered unlawful. The letter of termination must explain the procedure and time period, within which, an appeal can be made by the employee against his/her dismissal. Laws encourage employers to warn the employee about problematic behavior and foreseeable consequences. It is always preferred to sort out the matter through dialogue and meetings specifically designed to improve the employees’ performance.

#### Exaggerated dismissal costs

As mentioned above, laws protecting the employees’ rights and interests have been quite strict especially in the first world countries in the modern world. Today, employers might have to incur huge termination costs. The

costs have conventionally been so high that there has been considerable  
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debate and arguments to alter the dismissal expenses on various national and international forums. The high dismissal costs are questioned given the fact that not every termination is supposedly an unfair dismissal. (Davenport et al., 2000, p. 19) mentioned that despite the arguments that the costs of dismissal are excessive, the UK recently reduced its qualifying period for unfair dismissal and increased the maximum amount that may be awarded to the employees.

### Conclusion

It is no doubt one of the biggest tensions for the employer if a certain employee shows poor performance and does not come up to the expectations or fulfill the requirements of his/her post but this may be due to several removable reasons. It is the employers' ethical and professional responsibility to look out for the most relevant causes of the worker's poor performance and make him realize the real problem. It does not take much effort to have a dialogue with the problematic employee and guide him/her and discuss the consequences if the poor performance continues. Job is an individual's bread and butter and employers should make sure that they are not unjust towards any employee as this could be detrimental not only to the employee but would also to the whole society in the long run.