

Legal aspects associated with performance management programs - part ii

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LEGAL ASPECTS ASSOCIATED WITH PERFORMANCE MANAGEMENT

PROGRAMS - PART II Response to Alicia Several areas of your post are very interesting to me but one aspect that particularly struck me was the admission that even though employees may not design and implement performance management systems according to laws and regulations, the organization as a body should see to it that the program or system follows laid down laws and regulations. The reason this area of your post caught my attention is that I have previously worked in an organization where the staff base was so distant from the collective structure of the organization that the top hierarchy did not see the need to take responsibility of any lapses from the lower ranks. Meanwhile, quote (year) noted that any legal outcomes that proceed from the inefficiencies of one person in the implementation of performance management systems could bring the reputation of the entire organization to disrepute.

Reference

Van Dooren, W. (2011). Better performance management. *Public Performance & Management Review*, 34(3), 420-433.

Response to Newman

I must admit that I agree with you on all three types of claims that can be brought up on employers regarding performance management system as you mentioned. Certainly, defamation can arise as there is personal sabotage against certain employees to run their professional reputation down. Discrimination could also be the result of bias and preference of selected employees over others. Then also, negligence can occur as there is apathy towards the entire performance management system. But one thing

that I am particularly impressed about on your post is the admission that any of these forms of claims or breaches can come with serious cost for all parties. As indicated by quote (year) long periods of litigation and investigations aimed at setting scores between employees and employers can cost the organization precious man hours. It is therefore important that the right things will always be done to avoid any legal tussles.

Reference

Farndale, E., Hope-Hailey, V., & Kelliher, C. (2011). High commitment performance management: The roles of justice and trust. *Personnel Review*, 40(1), 523.