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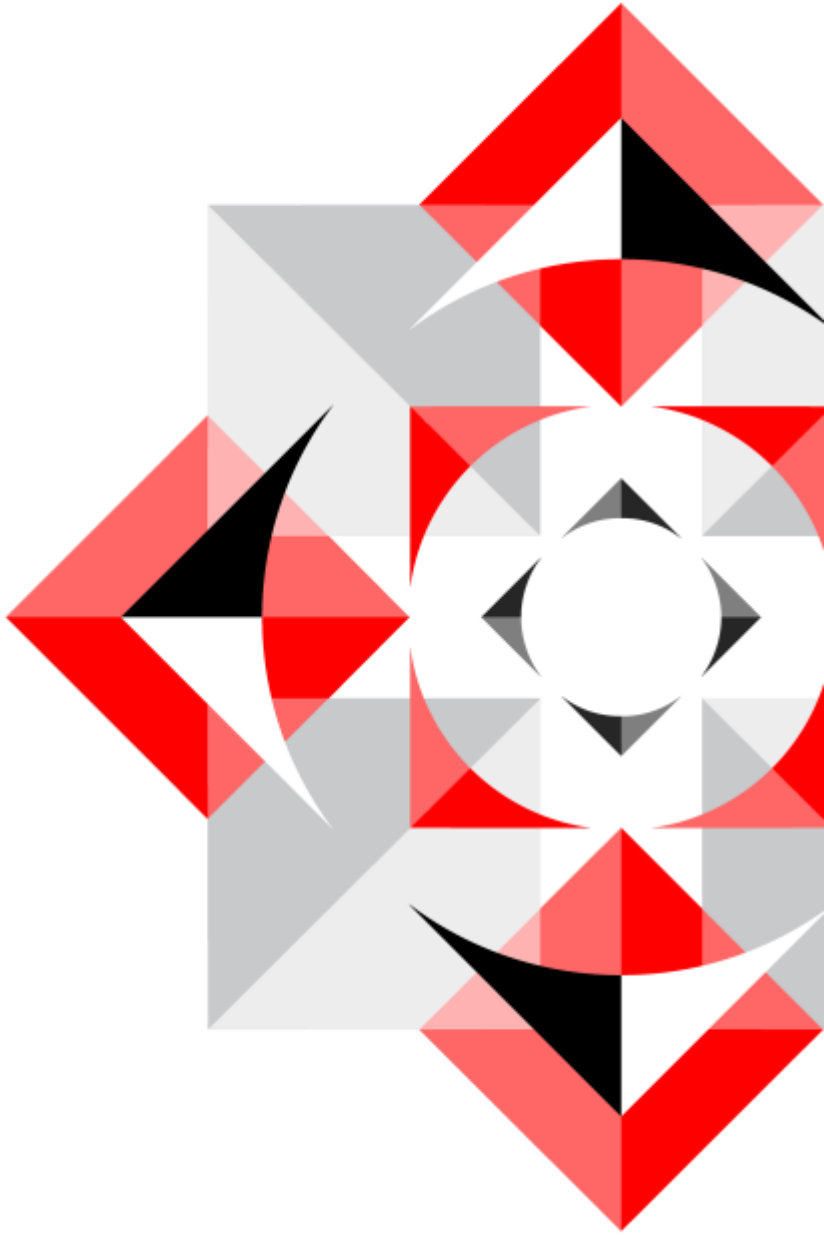
Employee Conduct – Poor Attitude

Síobhra Rush, Partner



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Conduct – Management

- **Issue with conduct, not performance**
- A case of “will not” rather than “cannot”
- **Why deal with it:**
  - Damages business
  - Damages morale
  - Lose staff

- **Benefits of addressing it:**
  - Can solve problems and improve conduct.
  - If conduct doesn’t improve, it can assist with imposing sanctions

Fair Reasons for Dismissal – Conduct

Poor attitude

Lack of care

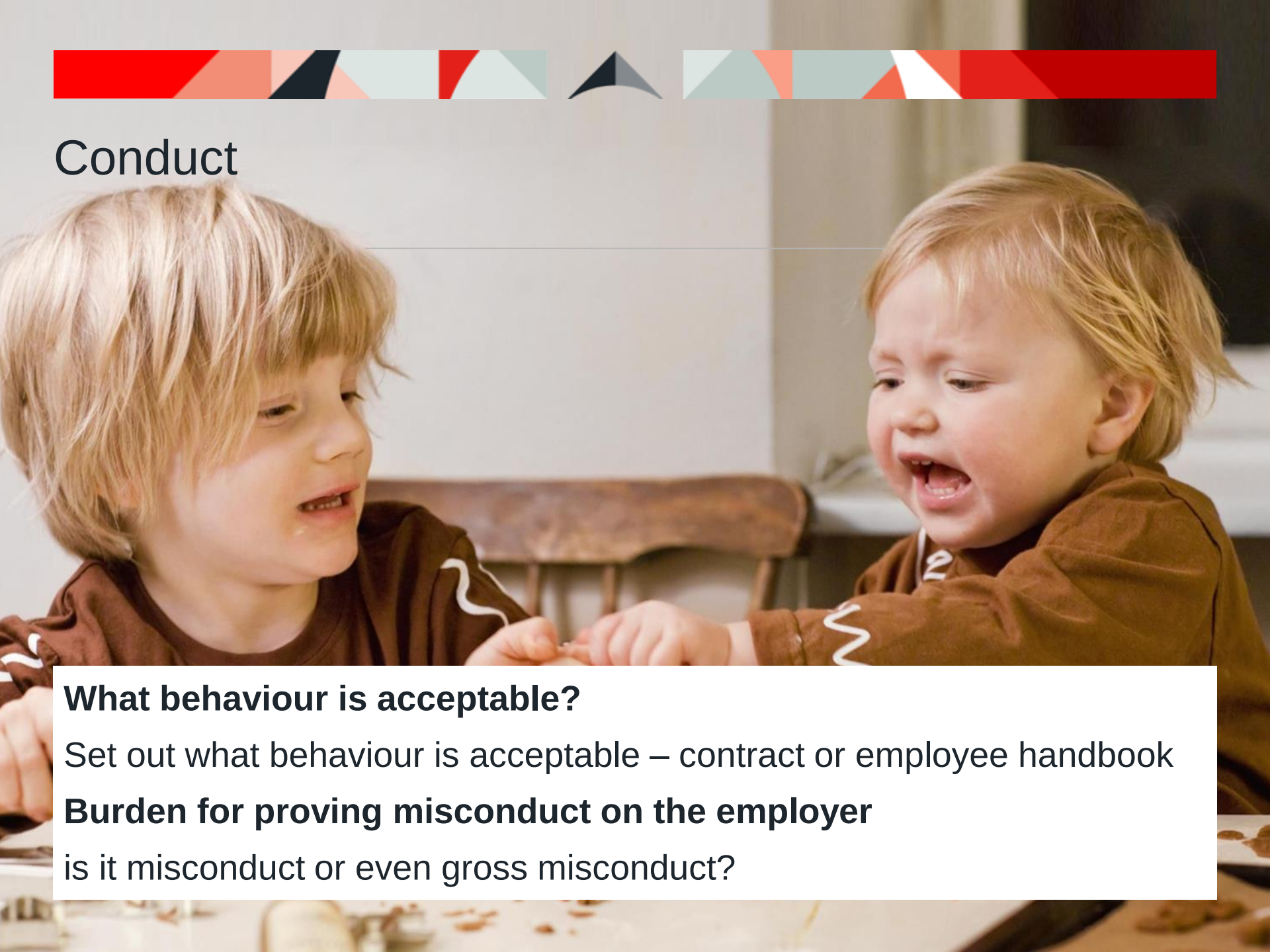
Ignoring manager requests

Undermining others

Bad language

Poor relationships

Conduct



What behaviour is acceptable?

Set out what behaviour is acceptable – contract or employee handbook

Burden for proving misconduct on the employer

is it misconduct or even gross misconduct?

Conduct – Disciplinary

Managers should not be afraid of addressing difficult issues

Disciplinary – Informal v. Formal

Informal v. formal approach – assess the seriousness of the behaviour in question.

Some case examples

Conduct – What will the WRC look at?

Procedural and substantive fairness

Did the employee know what was expected of them?

Was supervision and training offered?

Was the employee given an opportunity to improve?

Was the employee warned about their poor conduct which formed the basis of their proposed dismissal?

Was the employee given an appropriate opportunity to respond?

Were there were reasonable grounds to support the belief by the employer?

Was the dismissal proportionate?

Key Takeaways

Review conduct management policies and disciplinary procedure

Assess whether managers require training in managing conduct issues.

Intro to the Dublin team

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Finish and questions