



International
Labour
Office



MANAGING UNDERPERFORMANCE

A GUIDE FOR MANAGERS

CONTENTS

INTRODUCTION	3
EFFECTIVE PERFORMANCE MANAGEMENT	5
RECOGNISING PERFORMANCE PROBLEMS	8
DEALING WITH A PERFORMANCE PROBLEM	11
CONSEQUENCES OF ONGOING UNDERPERFORMANCE	18
ANNEX 1 AVAILABLE SUPPORT FOR MANAGERS	22
ANNEX 2 HOW TO CONDUCT A SESSION ON IMPROVING PERFORMANCE	24
ANNEX 3 A DIFFICULT CONVERSATION CHECKLIST	26
ANNEX 4 TIPS FOR HANDLING DIFFICULT CONVERSATIONS	29
ANNEX 5 PROBATIONARY APPRAISAL CHECK-LIST	30
ANNEX 6 OVERALL PERFORMANCE RATING DESCRIPTIONS	31
ANNEX 7 GUIDANCE FOR HANDLING BLOCKED APPRAISAL PROCESSES	33
ANNEX 8 SAMPLE PERFORMANCE IMPROVEMENT PLANS	37

INTRODUCTION

“ All ILO staff deserve to have conversations with their manager that identify what they are doing well, clarify what their objectives are, highlight where they can improve and agree on how they can address these issues and develop themselves further. ”

Guy Ryder, Director-General

Every staff member contributes to the functioning of the Office through the fulfilment of their individual duties and responsibilities. Accordingly, effective performance management is essential for the ILO to successfully achieve its mandate.

To deliver the required performance, staff need leadership, clear direction, effective management, positive engagement and a conducive working environment. As a manager, it is an important part of your responsibility to ensure that the staff working under your supervision have the necessary guidance and support to carry out their best work for the Office.

The ILO's Performance Management Framework (PMF)¹ provides the necessary tools and processes through which this can be achieved by:

- ▶ **Linking the outputs of the individual with organizational objectives; Providing clarity up-front on expectations and priorities with regard to outputs, as well as on measures of success;**
- ▶ **Identifying the competencies (both skills and behaviours) required to deliver on the outputs along with their indicators of success;**
- ▶ **Supporting the growth and development of staff;**
- ▶ **Encouraging ongoing dialogue and feedback between staff members and their managers.**

¹ http://www.ilo.org/dyn/hrd/intranet.file_open?p_reference_id=3124

Effective performance management is the best way to prevent the need to manage underperformance and creates the best starting point from which to deal with performance issues if they arise.

Dealing with underperformance can be challenging, but failure to promptly address underperformance limits the opportunity for the concerned staff member to improve and can also have long-term consequences both in terms of compromised delivery and on the morale and motivation of colleagues in the team. There are also costs associated with mediation or alternative dispute resolution, and/or rebuttal or other forms of appeal that could potentially be avoided through early intervention.

Each staff member is different and each case of underperformance needs individual consideration, taking into account the specific circumstances. There is no standard, “one-size-fits-all” solution and this guide does not attempt to provide one. Furthermore, the scope of this guide does not cover the processes and mechanisms for handling cases of misconduct. Rather, the aim of this document is to support and guide managers in taking the steps to address and manage underperformance in a manner that is transparent, fair and procedurally correct.



EFFECTIVE PERFORMANCE MANAGEMENT

Optimal performance is achieved when all staff are motivated and empowered with the skills, tools, resources and guidance to deliver at their best. Effective recruitment processes should ensure that the right people are in place and ready to perform. Open discussions with a positive approach to giving and receiving feedback provide the essential ingredients for performance improvement. The timeliness and quality of the performance discussions and the resulting appraisal forms are also critical to the usefulness and credibility of the process.

START STRONG...

The Beginning of Cycle (BoC) phase of the performance management process provides the foundation for a successful appraisal cycle. The **Job Descriptions** and **Employee Profiles** of your staff provide vital information concerning their roles, skills, experiences and aspirations – review these as part of your preparation for work-planning and individual objective setting to ensure that you capitalise on the strengths in your team.

Prior to meeting for individual performance discussions, it is important to have clarity concerning the work that is to be delivered. An agreed **work-plan** is a key input to the BoC. Work-plans may be defined at different levels (Department/Branch/Unit or by Office, Country or Project). Team goals can be strong drivers for success but the level of detail should be sufficient for each staff member to understand what is to be delivered and when, how as a team they will contribute to the overall objectives of the Organisation and what their individual contributions will be. Take the time to discuss the work-plan with your team and seek their inputs to build enthusiasm and commitment for the work ahead.

Holding a timely BoC discussion and documenting the results ensures that expectations are clarified up-front. This sets the stage for a strong performance and avoids misunderstandings when it comes to assessing performance at a later stage. If this phase is completed late or with insufficient detail, a staff member may legitimately argue that they did not know what was expected of them or were not provided with clear guidance. An effective BoC is one in which, in consultation with the staff member, you:

- ▶ Set outputs which are **SMART**² (Specific, Measurable, Achievable, Relevant and Time bound) with clear measures of success
- ▶ Select the most **relevant competencies**³ and identify indicators of success that will enable you to measure whether or not the required behaviours are being demonstrated
- ▶ Identify **developmental objectives** based on challenges or needs already identified from a previous cycle or new needs for the current work-plan or career aspirations of staff⁴

AND CARRY ON...

Performance monitoring takes place throughout the appraisal cycle. A manager plays a key role in ensuring that delivery is on track, maintaining quality control and helping staff to overcome barriers or to reprioritise in the face of new challenges.

Giving constructive feedback when it is needed is essential to creating a productive work environment. By giving feedback you can show your team that you are attentive to them and their performance. Feedback can be used to signal appreciation for a job well done, facilitate professional development, motivate or inspire individuals to perform even better or to point out a more productive course of action, or redirect unwanted behaviours.

In order for feedback to be effective it needs to be delivered at the right time and in the right way. Feedback is most effective when it is shared frequently and in context and when it is aimed towards a specific outcome which is realistic and achievable. Effective feedback is delivered respectfully and as part of a two-way conversation and it assumes that there will be an opportunity for follow-up.⁵

“ The process is not a dialogue if one party does not listen to another. ”

ILOAT Judgment 2172 Consideration 20⁶

² http://www.ilo.org/dyn/hrd/intranet.file_open?p_reference_id=1137

³ http://www.ilo.org/dyn/hrd/intranet.file_open?p_reference_id=1142

⁴ https://www.ilo.org/dyn/hrd/intranet.file_open?p_reference_id=1136

⁵ See Giving Effective Feedback – Harvard Business Review Press

⁶ In this case the complainant's supervisor did not consider the complainant's comments when preparing the evaluation.

BE PROACTIVE, SUPPORTIVE AND AVAILABLE

It is important to pass the message that you are ready and available to meet with your staff. Some colleagues will regularly seek your support and guidance, but others will be more reticent and could procrastinate, wasting precious time and losing momentum if you do not proactively intervene.

Block out time to prepare for and hold formal performance discussions (BoC, MtR, EoC) but also ensure that your calendar has space for informal feedback sessions with individuals and teams and make sure that these take place.

TAKE PARTICULAR CARE OF NEW STAFF AND STAFF ON PROBATION

New staff need support and guidance to understand the culture and standards of the organization. It is essential to take the time to ensure that the staff member understands the work of your unit and their role, and that they establish a detailed BoC within the first two months of coming on-board.

Staff on probation receive two appraisals during their probationary period – the first one covering one year and the second one covering 9 months. The Reports Board reviews the BoC for all first probationary appraisals to confirm that there is sufficient detail for the staff member to understand what is expected and for the manager to be able to fairly evaluate their performance at the end of the period. The probationary period is critical for the manager to ascertain whether or not the staff member is a good fit for the job and can contribute to the organization as required. In order for all parties to be clear about the level of performance, when completing appraisals, it is important that managers provide supporting comments for all ratings.

See [ANNEX 5 Probationary Appraisal Check-List](#) for more information about appraisals for staff on probation.

RECOGNISING PERFORMANCE PROBLEMS

By meeting regularly and actively managing the performance of your staff, you will be in the best position to identify and address any performance issues should they arise.

WHAT DOES UNDERPERFORMANCE LOOK LIKE?

Underperformance jeopardizes the achievement of individual and organizational goals and objectives and is reflected in:

- ▶ Work outputs which do not meet expectations;
- ▶ Core competencies not being demonstrated at the expected level;
- ▶ Complaints from peers, direct reports and/or managers, resulting in conflictual personal relations;
- ▶ Complaints from those receiving the services of the staff member.

The following table illustrates some indicators of underperformance. The list is not exhaustive and does not imply that an underperformer exhibits all indicators.⁷

- ▶ DOES NOT DELIVER WORK OF THE EXPECTED QUALITY AND/OR QUANTITY
- ▶ MISSES ACHIEVABLE DEADLINES
- ▶ CANNOT COPE WITH THE COMPLEXITY OF THE WORK
- ▶ IS NOT SERVICE-ORIENTED
- ▶ AVOIDS ALLOCATED TASKS
- ▶ NEEDS CONSTANT SUPERVISION
- ▶ IS NOT CAPABLE OR NOT WILLING TO ACQUIRE NEW SKILLS
- ▶ DOES NOT SHOW TEAM SPIRIT OR IS CONTINUOUSLY RESISTANT TO CHANGE

⁷ WIPO – *Addressing Underperformance – a handbook for managers*

WHAT IS THE DIFFERENCE BETWEEN MISCONDUCT AND UNDERPERFORMANCE?

The difference between misconduct and underperformance could be described as the difference between “Won’t do” versus “Can’t do”. Misconduct is generally a failure to follow a workplace rule (whether written or unwritten). Examples of misconduct include lateness and absenteeism⁸, inappropriate use of ILO resources (including misuse of internet access), insubordination and fraud. Underperformance on the other hand is the failure of the staff member to fulfil the requirements of the job at an acceptable level. This acceptable level is usually documented in the BoC, and defined in terms of quality, quantity or timeliness. Although performance and misconduct may be inter-related, it is important to recognize the difference between the two because there are separate disciplinary processes for handling misconduct. Do not hesitate to contact HRD for advice in the case that you are unsure.

CAUSES OF UNDERPERFORMANCE

Managers observing underperformance should first look at all of the relevant circumstances and consider the possible causes of it. Think about the staff member and his/her work:

- ▶ **Are you sure that the staff member is clear about what is expected and that s/he has received feedback?**

- ▶ **Is the staff member overloaded with work? Is s/he trying to deal with too many priorities? Were the outputs too challenging or not corresponding to the nature of their job role?**

- ▶ **If a new staff member has he/she received proper and adequate job orientation?**

- ▶ **Could the underperformance be related to a skill deficiency? Has there been a change in the nature of the job or has the staff member been provided with unfamiliar tools to carry it out?**

- ▶ **Is this person under/over qualified for the job? Is this a motivation/lack of engagement issue? What is the underlying need not being met?**

⁸ Absenteeism in this context refers to voluntary non-attendance at work without a valid reason. It does not include involuntary or occasional absence due to valid causes or reasons beyond the control of the official such as accident or sickness.

It is important to consider whether the situation represents a sudden dip in performance due to specific circumstances or whether it is an ongoing issue. Bear in mind that critical life incidents can adversely affect the productivity and/or behaviours of usually strong performers; death of loved ones, divorce/relationship problems, accidents, health issues, and sustained hardship/stress are just a few examples. Conflict, harassment or other difficult interpersonal or team dynamics in the workplace can also play a part.

Depending on the underlying causes identified, it may be appropriate at this stage to discuss the situation with your manager and consider contacting, on a confidential basis, your HR Partner, the Mediator, the Staff Welfare Officer and/or the Medical Services.



DEALING WITH A PERFORMANCE PROBLEM

“ A staff member whose service is not considered satisfactory is entitled to be informed in a timely manner as to the unsatisfactory aspects of his or her service so that steps can be taken to remedy the situation. Moreover, he or she is entitled to have objectives set in advance so that he or she will know the yardstick by which future performance will be assessed. These are fundamental aspects of the duty of an international organization to act in good faith towards its staff members and to respect their dignity. ”

ILOAT Judgment 2414, consideration 23 and recalled in Judgment 3264, consideration 11.

If you have identified that there is indeed a performance problem, avoid the temptation to “wait and see what happens” – things rarely get better on their own.

Normally the regular monitoring and feedback that was described in the section above on Effective Performance Management will provide the opportunity to discuss informally with the underperforming staff member, consider together the root cause(s), clarify expectations and make any necessary adjustment and set things back on track. However, if this does not result in improvement, it will be necessary to engage in a more formal process as set out below.

PROVIDING A FORMAL OPPORTUNITY TO IMPROVE

Mid Term Review (MtR)

The MtR is carried out half-way through the performance cycle and provides an opportunity to review progress against the outputs, competencies and development objectives agreed during the BoC discussion. In the case that there are serious performance concerns at the point of the MtR, the MtR discussion should be used to hold a performance improvement conversation (see below) and to document the outcomes. In such cases, for staff on one-year performance appraisal cycles, the MtR should be documented on the word version of the form, signed, scanned and attached to the appraisal form in [ILO PEOPLE](#). It should also be sent to the Reports Board Secretariat at REPORTSBOARD@ilo.org (see the relevant ILO People User Guide for more details).

End of Cycle (EoC)

The EoC evaluation takes place at the end of a given performance period and aims to assess the results/level achieved on the expected outputs, selected competencies, and developmental objective(s) and to identify challenges/lessons learned. The EoC provides a further formal opportunity to discuss and document the performance over the period under review. The staff member provides their self-assessment and the manager provides their evaluation and an overall rating of performance. The EoC discussion should be used to hold a performance improvement conversation (see below) in the case that there were performance concerns already raised at the MtR or if concerns have arisen in the interim period. The points raised in the EoC discussion should reflect matters that you have already raised with the staff member through previous informal feedback. It is very important that a negative evaluation of performance does not come as a surprise to a staff member during the formal appraisal discussion.

The ratings that are provided for the outputs, competencies and the overall performance must fairly reflect the results/level achieved. Ratings should be supported by comments and ratings other than “FM” – Fully Met, must be justified with comments including illustrations and examples as needed.

ANNEX 6 Overall Performance Rating Descriptions provides further information about overall performance ratings.

Sometimes the manager and the staff member do not agree on the evaluation of performance. The likelihood of such differences of opinion can be reduced by setting clear expectations, providing timely feedback, ensuring that priorities are clear and acknowledging situations where external influences have affected the delivery of work. However, if after discussion there are remaining areas of disagreement, these should be documented through the ratings and comments sections available to both the staff member and the manager on the appraisal form.

PERFORMANCE IMPROVEMENT CONVERSATIONS

You do not need to wait for a Mid-term Review or End of Cycle before holding a performance improvement conversation. The aim of such a discussion is to ensure that the staff member is aware that their performance is not meeting expectations, ascertain if there are any extenuating circumstances and agree on the steps to improve the staff member’s performance by clarifying what must be done to bring it up to an acceptable level.

Prepare for the discussion by:

- ▶ **Reviewing what was agreed in the staff member's Beginning of Cycle**
- ▶ **Identifying the critical element(s) where the staff member is falling short (work outputs and/or behaviours)**
- ▶ **Recalling specific examples which illustrate these concerns**
- ▶ **Considering what informal feedback you have already provided regarding these short-falls**
- ▶ **Exploring possible ways forward including specific actions to support the staff member in their improvement**

Schedule the meeting with the staff member at a time that is convenient for you both and in a quiet place where you will not be disturbed. Ensure that you allow sufficient time for a constructive two-way conversation.

Structure the conversation to be sure that you cover the following:

- ▶ **describe the current state and explain the impact**
- ▶ **explore the reasons**
- ▶ **describe the desired outcome**
- ▶ **discuss solutions and offer support**
- ▶ **agree on next steps, seek commitment, and make closing remarks**

Follow-up after the meeting by sending the staff member an email summarising what was discussed and any agreements that were made.

See [ANNEX 2 How to Conduct a Session on Improving Performance](#) for more in-depth guidance on conducting a performance improvement conversation.

[ANNEX 3 A Difficult Conversation Checklist](#) and [ANNEX 4 Tips for Handling Difficult Conversations](#) also provide useful tools.

It is essential that you put in place any support mechanisms that were agreed in this discussion (tools, guidance, training, coaching etc.) and that you follow-up regularly and monitor performance as per the timeline that was agreed in the performance improvement discussion. If the staff member shows improvement, let him/her know immediately. If s/he is still struggling then a more detailed plan of action might be needed.

PERFORMANCE IMPROVEMENT PLANS

Sometimes, in the case of ongoing underperformance, a performance improvement plan may be the best way to address the problems. Such a plan should be prepared, discussed and agreed with the staff member and documented in a format which best suits the particular situation.

ANNEX 8 Sample Performance Improvement Plans shows some different examples of Performance Improvement Plans (PIPs) and provides a simple model template which can be used as a basis and adapted as necessary.

A PIP can be put in place at the initiative of the individual manager. Alternatively, if there are performance concerns raised in a MtR or EoC appraisal submitted and reviewed by the Reports Board, the Board might recommend that one be established and request that progress made against the plan be submitted in the context of the appraisal cycle. Depending on the timeline required and the appraisal cycle of the staff member, the Board may request that an ad-hoc appraisal be completed.

The usual time frame for a PIP is 3 to 6 months' duration – allowing sufficient time for the staff member to be able to show improvement. In preparing a plan the manager and the staff member should establish clearly which areas need to be improved, what results are expected and will indicate success, what skills and/or competencies need to be strengthened or acquired, and the support needed, including any specific training needs. The plan should establish deadlines for the deliverables set out and indicate the date or dates on which progress will be reviewed. The PIP represents an agreed plan of action and so the manager and the staff member should sign and date the plan.

It is important that you monitor the staff member's progress and meet regularly with him/her during the period covered by a PIP to discuss and record the progress achieved.

FOLLOWING-UP

At the end of the period which was agreed for the performance improvement actions (such as training, coaching or a PIP), a performance discussion should be held to review the results, identify any additional support or guidance that may be needed and consider the next steps. The outcomes of this discussion should be formally documented in writing.

If the training, coaching or the performance improvement plan have had the desired result and performance has improved significantly, this should be recognised. On the other hand, if the progress is considered insufficient, despite the support given, this should be clearly stated. Where there has been progress but the performance is not considered to fully meet the requirements this should also be clearly documented.

Depending on the moment in time, this documentation could be captured within the MtR or the EoC of the current appraisal cycle (which could be an ad-hoc appraisal if the Board has requested one). The appraisal should contain clear recommendations from the manager about the next steps, based on the staff member's performance. In cases of ongoing underperformance which are already being followed by the Reports Board, these recommendations may include a request for administrative action to be taken, as outlined in the section on [consequences of ongoing underperformance](#).

THE REPORTS BOARD AND ITS SECRETARIAT

The Reports Board is one of the statutory⁹ administrative bodies that assists the Director General in the application of the staff regulations – specifically those related to probation (Chapter V) and advancement, appraisal and change of grade (Chapter VI).

The Reports Board is composed of senior managers (D1 or above) who are appointed by the Director-General. One of the members is elected as Chairperson. A meeting of the Board requires the attendance of four members and a member cannot participate in deliberations concerning a staff member for whom they are a supervisor/responsible chief or higher level chief, or where any other conflict of interest exists.

The Board helps to ensure that appraisals are completed on time and in accordance with established rules. It acts in an advisory capacity, providing comments and recommendations to staff and their managers in respect of the appraisals that it reviews.

⁹ Ref: Article 10.3 of the Staff Regulations

It makes recommendations to the Director General concerning the confirmation or non-extension of a staff member's appointment at the end of probation and with regard to other administrative actions to be taken as a consequence of ongoing underperformance. In reaching its conclusions and making recommendations the Reports Board hears the views and concerns of all parties and exercises its own discretion.

“ In exercising his authority the Director-General is not bound by the recommendations of the advisory bodies. He is indeed quite free to determine the general assessment in the light of the whole file and even to alter the assessments agreed on by the official's own supervisors. The bodies which advise the Director-General therefore enjoy just as much freedom as he to assess the official's performance...it is therefore open to them, if they wish, to dissent from an opinion shared by [the supervisors]. ”

ILOAT judgment 352, consideration 5

The Reports Board Secretariat reviews appraisals for quality and completeness, identifies cases which require review by the Board, prepares the agenda and documentation for Reports Board meetings and drafts the minutes, comments and recommendations.

LACK OF ENGAGEMENT IN THE PERFORMANCE APPRAISAL PROCESS

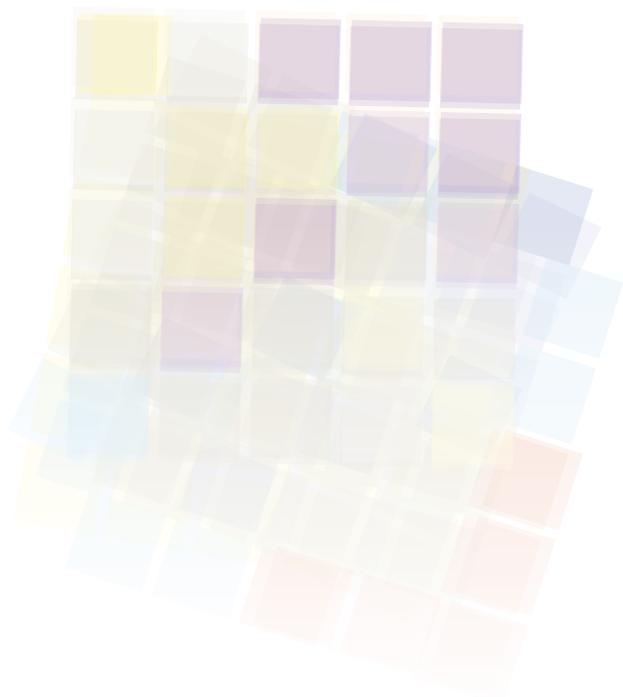
The ILO's PMF encourages ongoing dialogue and feedback and the steps in the performance appraisal process are designed with the engagement of both the manager and the staff member in mind. Lack of engagement can occur on both sides – but the manager has the overall responsibility for ensuring that a dialogue takes place and is accountable for the timely completion of the appraisal reports. This can be challenging in the case that the staff member is not willing to engage in the process. It is important to try to understand why a staff member might be reticent to take part in one or more steps of the process. Examples could include perceived lack of time or competing priorities, fear of a difficult conversation, concerns about the fairness of the process, insecurity about potential consequences etc. Identifying and trying to address these concerns as a first step can help to get things moving or re-start a stalled appraisal process. In the case that it is not possible to move the process forward jointly and with the agreement of the staff member, actions can be taken by the manager to complete the appraisal. Article 6.7 point 2 of the Staff Regulations stipulates that when an appraisal has been communicated to an official, he or she is required to review it and return it within eight days of its receipt.

ANNEX 7 Guidance for Handling Blocked Appraisal Processes provides information concerning how to resolve some of the more common situations. The Reports Board Secretariat can also provide guidance concerning how to apply this article.

WHAT HELP IS AVAILABLE TO SUPPORT MANAGERS?

While the process of managing the underperformance of a staff member should be treated as confidential, this does not mean that a manager needs to handle the situation alone. Support is available both in terms of one-to-one guidance and training.

See **ANNEX 1 Available Support for Managers**.



CONSEQUENCES OF ONGOING UNDERPERFORMANCE

In some cases, despite efforts to manage underperformance both informally and formally following the recommendations of the Reports Board, there is either no or insufficient improvement. In such cases the manager may request the Board to consider one of a number of administrative actions. The Reports Board will then review the history of the case and take steps to further clarify the situation if necessary; this may include oral hearings with the official concerned and any relevant supervisors and managers. If the Reports Board considers that it is warranted it will make a recommendation to the Director-General to take one of the administrative actions outlined below. The Director-General then takes the final decision. Under no circumstances should administrative actions related to underperformance be taken without passing through the Reports Board.

DIFFERENT CONSEQUENCES

- ▶ extension of probation – the probationary period may be extended by the Reports Board by a period of up to 12 months in situations where the performance or conduct of the official is deemed to be either not fully satisfactory or not to fully meet the requirements of the job. Following this, if the performance or conduct still fail to meet the required standard, the Reports Board will recommend to the Director-General that the contract is not extended beyond the end of probation.
- ▶ withholding a within-grade increment – a responsible chief may request the withholding of a salary increment where performance is appraised as unsatisfactory. Withholding a salary increment does not affect the right of the official to be considered for an increment on the next incremental date. The responsible chief may also recommend to the Reports Board that a previously withheld increment be restored on the basis that the performance of the official has improved and now meets the required level.

- ▶ transfer to a position of a lower grade – this may be recommended by the Reports Board in situations where the performance of duties and responsibilities is sufficiently unsatisfactory that the Reports Board might otherwise recommend non-renewal or termination of contract.
- ▶ non-renewal of contract – where a fixed-term official is reaching the end of their contract term and the contract might otherwise be renewed, the Reports-Board may recommend non-renewal on the basis of unsatisfactory performance.
- ▶ termination for unsatisfactory performance – in the case of a fixed-term official where the contract is not yet approaching its expiration or in the case of an established official, the Reports Board may recommend termination of contract on the basis of unsatisfactory performance of duties and responsibilities.

DUE PROCESS

A request from the responsible chief in respect of any of the administrative decisions outlined above must be clearly made in either the MtR or EoC and submitted to the Reports Board for consideration. The Reports Board will ascertain the views of the official and the responsible chief before making any recommendation to the Director-General.

“ Prejudicial comments made to a body advising the decision-maker by one of the parties to a dispute are often irrelevant to the actual substance of the dispute. They are nonetheless prejudicial. If such comments are made, an opportunity must be given to the other party to respond to them. By failing to do this the Reports Board breached its duty of fairness. The report of the Reports Board being vitiated, the decision of the Director-General which is based upon such report cannot stand and must be quashed. ”

ILOAT Judgment 1881, considerations 20 and 21

Before any final decision is taken by the Director-General with regard to transfer to a lower grade, non-renewal or termination of contract, the official must be informed in writing and given the opportunity to respond in writing.

Consistent with the principles of third party assistance reflected in Chapter XIII of the Staff Regulations, a staff member, in the context of any of the administrative actions described in the preceding section or the appeals process described below, may decide to rely on the ILO mediation or facilitation mechanisms, request the intervention of HRD or a higher-level chief or request the assistance of any official, former official or the Staff Union.

APPEALS PROCESS

A proposal to withhold a salary increment or to transfer an official to a lower grade position may be appealed to the Joint Advisory Appeals Board (JAAB) by the official concerned within one month their receipt of the proposal.

Similarly, a proposal of non-renewal or termination of contract of an official appointed at an established office of the ILO may also be appealed to the JAAB.

In all cases, any such appeal must be made on the grounds that the proposal is made on an erroneous evaluation of performance or for reasons unconnected to their performance. An appeal to the JAAB has a suspensive effect on the implementation of the administrative action.

The JAAB may uphold the proposed administrative decision or recommend that it be set aside. If the JAAB considers that the official concerned has been subject to unfair treatment or that the appraisal process was tainted by a procedural flaw then it may recommend the award of compensatory damages to the official. The Director-General is required to take a final administrative decision within two months of the submission of the JAAB report and recommendations; this is a final decision and will be implemented by the administration.

If the official is not satisfied with the outcome of the JAAB proceedings or the final decision of the Director-General in response to the recommendation of the JAAB, they may proceed to file a further appeal with the ILO Administrative Tribunal.

“ Assessment of an employee’s merit during a specified period involves a value judgement; for this reason, the Tribunal must recognise the discretionary authority of the bodies responsible for conducting such an assessment. Of course, it must ascertain whether the marks given to the employee have been worked out in full conformity with the rules, but it cannot substitute its own opinion for these bodies’ assessment of the qualities, performance and conduct of the person concerned.

The tribunal will therefore interfere in this field only if the decision was taken without authority, if it was based on an error of law or fact, a material fact was overlooked, or a plainly wrong conclusion was drawn from the facts, or if it was taken in breach of a rule of form or procedure, or if there was abuse of authority.

This limitation on the Tribunal’s power of review naturally applies to both the mark given in a staff report and the comments accompanying that mark in the report.”

ILOAT Judgment 3268 Consideration 9

“ That said the Tribunal insists upon observance of procedures established to evaluate performance”

ILOAT Judgment 3252, consideration 8

The Administrative Tribunal may either uphold the final administrative decision of the Office or set it aside with or without an accompanying award of moral and or material damages. Decisions of the Administrative Tribunal are final and must be implemented by the Office.

AVAILABLE SUPPORT FOR MANAGERS

While the process of managing the underperformance of a staff member should be treated as confidential, this does not mean that a manager needs to handle the situation alone. Support is available both in terms of one-to-one guidance and training.

HIGHER-LEVEL MANAGEMENT SUPPORT

Share your concerns with your manager – it is important that they are aware of the situation and by briefing him/her you can gain from their experience and insights and ensure that you have their support for the steps ahead.

HR PARTNERS

Your HR Partner understands the workings of your department/office and the people within it. S/He is an excellent resource with whom to discuss concerns about the performance of individuals and the impact that this may be having on your team.

PM COACHING SESSIONS

Coaching is available for specific and individual questions or concerns about planning, conducting or documenting performance management discussions. This confidential service is available to both managers and staff members who may request an individual, group or phone appointment by sending an email to PMCOACHING@ilo.org.

PEER COACHES

Managers may need the opportunity to talk to someone who has been in a similar situation. A Peer Coach is a manager who has personal experience in managing underperformance and who is ready to act as a “sounding-board” for other managers. Managers who are engaged in or about to embark on the process of managing underperformance may request to be connected with a peer coach by contacting HRD using the PMCOACHING@ilo.org email.

REPORTS BOARD SECRETARIAT

The Reports Board Secretariat can be contacted at REPORTSBOARD@ilo.org for advice and guidance about the steps in the appraisal process. Support is available on how to handle appraisals for specific cases such as staff on probation, staff movements, periods of leave, performance concerns or other special situations.

PERFORMANCE MANAGEMENT WORKSHOPS AND MLDP MODULES

All managers are encouraged to attend the Creating Results Through People (CRTP) workshop which provides detailed guidance on performance management, giving and receiving feedback, handling difficult conversations and coaching and developing staff. The conflict management workshop also focusses on how to deal with conflictual situations in the workplace. Details of these workshops, as well as relevant MLDP modules can be found in [ILO PEOPLE](#).

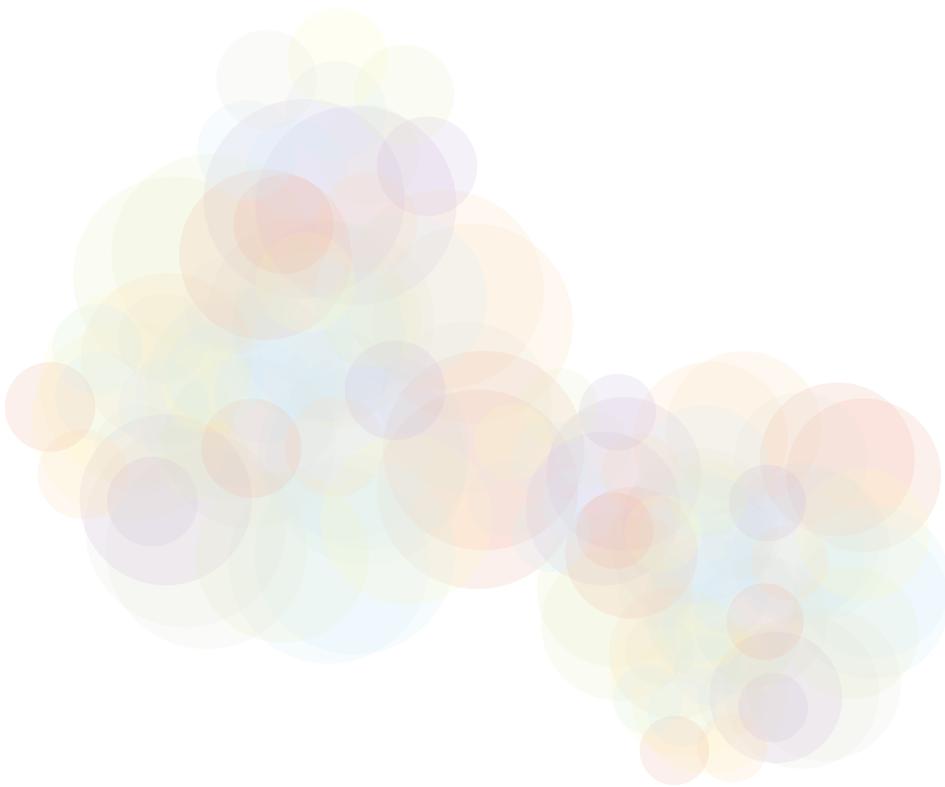
HOW TO CONDUCT A SESSION ON IMPROVING PERFORMANCE¹⁰

- 1 When scheduling a performance meeting, allow enough time for both comments and reactions from the staff member. Conduct the meeting in a quiet place where the staff member will be comfortable and ensure you won't be interrupted.
- 2 Choose the time and approach based on your knowledge of the staff member's personality.
- 3 Supervisors often report feeling apprehensive or insecure (which is understandable, since this is not an easy conversation). Maintain a constructive tone: stay calm, professional and focused.
- 4 Invite and encourage the staff member to provide you with their perspective. Ask open-ended questions and listen; hold off responding when the employee is speaking. Be open to new information you might not have heard.
- 5 Seek cooperation, not confrontation, by focusing on how the staff member's performance fits into the performance of the whole unit.
- 6 Seek confirmation that the staff member understands the problems and your expectations. Provide opportunities for him/her to respond. It is usually recommended to discuss the consequences of failing to improve. (It is advisable to consult with HRD – as soon as issues of underperformance are identified – to better understand what is within the power/remit of the supervisor).
- 7 Structure the conversation: describe the current state, explain impact, explore reasons, describe the desired outcome, discuss solutions, offer support, agree on next steps, seek commitment, and make closing remarks.
- 8 Conclude the meeting on a positive note by emphasizing that improving the staff member's performance is a mutually-beneficial goal. Express your appreciation to the staff member. Provide a written summary (email or note to file) to the staff member shortly after the discussion. It is recommended to obtain their written/ email acceptance/acknowledgement of the summary.

¹⁰ Adapted from UNFPA *Addressing Underperformance – A toolkit for Supervisors*, Division for Human Resources © 2015

HOW TO CONDUCT A SESSION ON IMPROVING PERFORMANCE

- 9 Document the date/time of the discussion and any agreements reached regarding changes to the way work is assigned or structured. Be sure to share notes with the staff member.
- 10 Follow up as per the timeline defined – and ensure appropriate monitoring. If the staff member shows improvement, let him/her know immediately. If s/he is still struggling, talk again – and consult with HRD who can advise if a Performance Improvement Plan might be necessary.



A DIFFICULT CONVERSATION CHECKLIST¹¹

Working at the *Harvard Negotiation Project* with thousands of people on all kinds of difficult conversations, Douglas Stone, Bruce Patton and Sheila Heen determined that there is an underlying structure to what is going on in these conversations and that understanding this is an essential first step to being able to deal with them more effectively. No matter what the subject, our thoughts and feelings falling into the same 3 categories or “conversations”.

- ▶ the **What Happened** conversation (what’s the story here?)
- ▶ the **Feelings conversation** (what should we do with our emotions?)
- ▶ the **Identity conversation** (what does this say about me?)

The checklist below is a useful tool to guide you in preparing for and conducting difficult conversations.

STEP 1: PREPARE BY WALKING THROUGH THE 3 CONVERSATIONS

- 1 Sort out **What happened**
 - Where does your story come from (information, past experiences, rules)? Theirs?
 - What impact has this situation had on you?
 - What might their intentions have been?
- 2 Understand **Emotions**
 - Explore your emotional footprint, and the bundle of emotions you experience
- 3 Ground Your **Identity**
 - What’s at stake for you *about you*?
 - What do you need to accept to be better grounded?

¹¹ *Difficult Conversations* – Stone, Patton, Heen

STEP 2: CHECK YOUR PURPOSES¹²

- ▶ **Purposes:** What do you hope to accomplish by having this conversation?
Shift your stance to support learning, sharing, and problem-solving.

STEP 3: START FROM THE THIRD STORY

- 1 Describe the problem as the difference between your stories.
Include both viewpoints as a legitimate part of the discussion.
- 2 Share your purposes.
- 3 Invite them to join you as a *partner* in sorting out the situation together.

STEP 4: EXPLORE THEIR STORY AND YOURS

- ▶ **Listen to understand** their perspective on what happened.
Ask questions.
Acknowledge the feelings behind the arguments and accusations.
Paraphrase to see if you've got it.
Try to unravel how the two of you got to this place.
- ▶ **Share your own viewpoint**, your past experiences, intentions, feelings.
- ▶ **Reframe, reframe, reframe** to keep on track.
From truth to perceptions, blame to contributions,
accusations to feelings, and so on.

¹² For Difficult conversations in general, step 2 also includes taking a decision around whether the issues should be addressed through a conversation. This is not relevant for difficult conversations around performance as holding a performance conversation is essential to the process of managing underperformance.

STEP 5: PROBLEM-SOLVING

- ▶ Invent options that meet each side's most important concerns and interests.
- ▶ Look to standards for what should happen. Keep in mind the standard of mutual caretaking; relationships that always go one way rarely last.
- ▶ Talk about how to keep communication open as you go forward

The Management and Leadership Development workshop – *Creating Results Through People* includes sessions focussed on how to handle difficult conversations.

The *Conflict Management* workshop which is open to all staff also covers this topic in depth.

If you would like to receive a copy of the book *Difficult Conversations* by Douglas Stone, Bruce Patton and Sheila Heen, please contact capability@ilo.org

The following checklist for powerful conversations and openings is also a good resource.



TIPS FOR HANDLING DIFFICULT CONVERSATIONS

EXAMPLE OF SITUATION	PERCEIVED CHALLENGES	POSSIBLE ACTIONS TO FACILITATE A CONSTRUCTIVE DIALOGUE
Dealing with underperformance	<p>Unclear or differing expectations</p> <p>Manager blamed for lack of support and follow-up</p> <p>Blame placed on others</p>	<ul style="list-style-type: none"> ■ Acknowledge other areas where performance has been good ■ Revisit and reframe objectives ■ Focus on problem solving ■ Agree on supervisee's responsibility vs other factors for underperformance ■ Clearly define improvement and follow-up
Differing views between supervisor and supervisee on supervisee's competency	<p>Unrealistic self-assessment by supervisee</p> <p>Fear of undermining and demotivating</p>	<ul style="list-style-type: none"> ■ Acknowledge areas where competency is high ■ Refer to existing and shared indicators for competency (ILO framework) and relate to observed examples (but never compare) ■ Define development objectives and identify resources and support
Discussing development opportunities	<p>Lack of opportunity for the staff member</p> <p>Manager feeling powerless</p> <p>Unrealistic self-assessment of their own potential by supervisee</p>	<ul style="list-style-type: none"> ■ Clearly state manager's role and limits and the development process ■ Explore development options creatively including self-directed learning or stretching assignments ■ Give honest feedback and advice
Dealing with apparent demotivation	<p>Finding out about the supervisee's actual motivation</p> <p>Lack of activities or recognition to offer that could meet their motivators</p>	<ul style="list-style-type: none"> ■ Investigate possible actions to limit demotivation and dissatisfaction ■ Shift from de-motivators to motivators (not opposites) to identify leverage ■ Clarify organization objectives and invite propositions on how they could meet their own

CHECKLIST FOR THE COMPLETION OF PROBATIONARY APPRAISALS

Officials who, for the first time, are appointed to a job other than of a temporary nature (i.e. on a fixed term contract, performing a core function, funded by the regular budget) are placed on probation for the first two years following this appointment.

This period is split into two appraisal cycles:

- ▶ The first cycle of 1 year is covered by a 'PAR – 1st Probation 1 year' appraisal and begins at the start date of the contract. This means that most staff on probation have appraisal cycles which are not in-line with those of their colleagues.
- ▶ The second cycle is 9 months only and is covered by a 'PAR – 2nd probation 9 months' appraisal. This gives time during the remaining 3 months of probation for the appraisal to be reviewed by the Reports Board and a decision to be made regarding the end of probation.

If an appraisal report is not completed appropriately, or is lacking in detail, then it will be returned with a request for modification. This checklist aims to ensure that appraisals are completed correctly first time around to speed up the process and avoid unnecessary delays.



OVERALL PERFORMANCE RATING DESCRIPTIONS

FULLY MEETS PERFORMANCE REQUIREMENTS (FM)

- ▶ This rating describes performance that fully meets the agreed upon performance requirements and represents the fully acceptable level of performance for the position.
- ▶ The majority of staff will earn this rating, which represents successful performance in carrying out the goals and tasks of the ILO.

CONSISTENTLY EXCEEDS PERFORMANCE REQUIREMENTS (ER)

- ▶ A rating of consistently exceeds performance requirements is characterized not only by achieving results, but by going beyond those normally expected for the position.
- ▶ The staff member consistently produces accurate, thorough and high quality work and has significantly improved the work processes and deliverables for which he or she is responsible.
- ▶ The staff member may also have voluntarily accepted a special assignment or temporarily taken on additional responsibilities outside of the specific purview of the position.
- ▶ Performance at this level can be clearly linked to improved delivery of the work unit's outputs.
- ▶ Performance results in this category are acknowledged by others within the work unit as exceptional.
- ▶ *This rating must be justified by providing statements of the specific actions and the results of those actions in terms of their contributions to organizational goals.*

DOES NOT FULLY MEET PERFORMANCE REQUIREMENTS (NF)

- ▶ This rating means performance has not met the performance expectations established in the beginning of cycle and/or mid-term review for the performance period.

- ▶ Indications of such performance include:

Quality of work reflects shortcomings, or the quantity produced falls short of the measures of performance that have been established;

The results are inadequate after consideration of any relevant circumstances beyond the staff member's control;

Failure to complete significant assignments properly or to meet deadlines which results in a negative consequence in meeting the work unit's goals;

Serious limitations have been demonstrated in the staff member's ability to perform in his or her role.

- ▶ *This rating must be justified by comments, including illustrations and examples as needed.*

GUIDANCE FOR HANDLING BLOCKED APPRAISAL PROCESSES

If an official and supervisor are unable to jointly finalize the Beginning of Cycle (BoC), Mid-term Review (MtR), End of Cycle (EoC) in good time, despite reasonable efforts, HRD is able to route the online form directly to the supervisor through the **ILO PEOPLE** system for his/her action. Any such action will only be taken if there is documentation to demonstrate that reasonable efforts were made to initiate the steps in the appraisal process in a timely fashion, and that the official was provided with the opportunity to fully participate in and contribute to the process.

DRAFTING STEPS

Beginning of Cycle Drafting

Since the appraisal form starts with the official, the process may become blocked in situations where the official does not complete the drafting step and send the form on to the supervisor. In such cases, the form will eventually need to be routed to the supervisor so that they can take action to draft the BoC.

Mid-Term Review Drafting / End of Cycle Drafting

Since the appraisal form also starts with the official for these phases, the process may become blocked if the official does not complete their comments on progress for the MtR stage or their self- evaluation for the EoC and then send the form on to the supervisor. Staff are encouraged to provide their inputs to the MtR and EoC and this is to their benefit. However, an official is not obliged to provide MtR comments or a self-evaluation for the EoC. If, despite reasonable requests and reminders, the official fails to make MtR comments or a self-evaluation for the EoC then the form can be sent on to the supervisor for his/her comments on progress for the MtR and evaluation for the EoC. (To avoid accidental omission of information, a form without self-evaluations at the EoC can only be routed to the supervisor by HRD).

The following steps should be taken:

- 1 The supervisor should provide the official with a final opportunity to complete the drafting step, giving her/him reasonable notice (8 days would normally be considered reasonable in this context provided that the official is on-duty during the period¹³) to return the draft. The official should be notified of this in writing, by email, copying ilopeople@ilo.org, the responsible chief, and the HR partner. This email must refer to the reasonable efforts that have been made thus far to initiate the appraisal process, and the supporting documentation must be attached. It should be explained that in the event the draft is not returned to the supervisor by the end of the notice period, HRD will then be asked to route the form to the supervisor so that the necessary steps can be taken to finalize this part of the appraisal.
- 2 In the case that the official does not take action by the end of the 8 day notice period, the supervisor should send a follow-up email to ilopeople@ilo.org requesting that the form be routed to them, copying the official, responsible chief and the HR partner.

HRD will only route the appraisal form to the supervisor when the above mentioned steps have been completed.

REVIEW STEPS

Article 6.7 point 2 of the Staff Regulations stipulates that when an appraisal has been communicated to an official, he or she is required to review it and return it within eight days of its receipt, attaching to it any observations that the official may wish to make.

The Review steps in the appraisal process exist to ensure that all relevant parties have seen the appraisal and have had the opportunity to provide comments. The process can become blocked if the official refuses to send the form out of the Drafting step into the Review step, or if they refuse to complete the Official's review by indicating that they have reviewed the form, entering their name and the date and providing any comments.

¹³ Verify that the official is not on leave or any other form of approved absence and can therefore reasonably be expected to react.

Beginning of Cycle Review

Unlike the Mid-term Review and End of Cycle, there is no provision for “Comments” at the review stage so in the rare case that the appraisal is drafted but there is no agreement on the outputs then this needs to be addressed through the Reports Board.

If, after reasonable efforts have been made, the official and supervisor are unable to come to an agreement on the contents of the Beginning of Cycle – either party, (the official or the supervisor) may save the draft appraisal form from **ILO PEOPLE** as a PDF and send it by email to the Reports Board Secretariat (REPORTSBOARD@ilo.org) attaching a minute outlining the points on which there is a disagreement. The other party (the official or the supervisor) must be on cc: of this email, along with the second level manager. The other party may also provide their comments, in a minute to the Reports Board Secretariat, again by email with the remaining parties on cc: If either party fails to copy the other on their respective submissions to the Reports Board this will be done by the Reports Board Secretariat prior to the submission of the matter to the Reports Board.

The appraisal, minutes and any supporting documentation (e.g. unit work-plan, job description) will be presented to the Reports Board for their comments and recommendations.

MID-TERM REVIEW / END OF CYCLE REVIEW

Routing into the Review Step

In the case that drafting has been completed and the Official does not send the appraisal into the Review step within a reasonable time from receiving the request to do so, the following steps should be taken:

- 1 The supervisor should make a formal request to the Official in writing, by email, copying ilopeople@ilo.org asking them to send the appraisal to the MtR/EoC Review step within the next two working days¹⁴. This email must refer to the date on which the completed draft of the appraisal was sent to them. It should also explain that the Official will receive the opportunity to review the appraisal during the Review step and will have up to 8 days to provide any comments at that time. It should be indicate that in the event that the Official does not route the form by the end of the notice period, HRD will be asked to route the form to the Review step so that the necessary steps can be taken to finalize the appraisal.

¹⁴ Ensure that the Official is on duty during the full two day period and not on any form of leave or approved absence.

- 2 In the case that the official does not take action by the end of the 2 day notice period, the supervisor should send a follow-up email to ilopeople@ilo.org requesting that the form be routed to the MtR/EoC Review step, copying the Official.

HRD will only route the appraisal form to the relevant Review step when the above mentioned steps have been completed.

Official's Review Step

In the case that an official has received the appraisal in the Mid-term Review or End of Cycle Review step and has not taken action after a period of more than 8 days and having received an informal request to do so, the following steps may be taken:

- 1 The supervisor should provide the official with a formal request to complete the review step within the next 8 days¹⁵, informing him/her in writing, by email, copying ilopeople@ilo.org, the responsible chief, and the HR partner. This email must indicate the date on which the appraisal was sent to the Official for review and make reference to the informal requests to complete the review that have previously been made. It should be explained that in the event that the Official does not indicate that they have reviewed the form, entered their name and the date and provided any comments by the deadline, HRD will be asked to route the form to the next step of the appraisal process.
- 2 In the case that the official does not take action by the end of the 8 day period, the supervisor should send a follow-up email to ilopeople@ilo.org requesting that the form be routed to the next step, copying the official, responsible chief and the HR partner.

HRD will only route the appraisal form to the next step when the above mentioned steps have been completed.

¹⁵ Verify that the official is not on leave or any other form of approved absence and can therefore reasonably be expected to react

SAMPLE PERFORMANCE IMPROVEMENT PLANS

Sometimes, in the case of ongoing underperformance, a performance improvement plan may be the best way to address the problems. Such a plan should be prepared, discussed and agreed with the staff member and documented in a format which best suits the particular situation.

Here is the ILO PIP template and some sample PIPs from other organisations.

