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# MANAGING UNDER PERFORMANCE POLICY

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IRAQ

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## 1. Permeable

In accordance with the ASB Employment Principles, ASB- Iraq, requires effective performance from each employee.

This policy forms part of our Performance Development Framework (PDF). The PDF is designed to assist our people to achieve their work goals and manage performance on an ongoing basis. The PDF provides a fair and equitable way to recognize and reward those who achieve or improve on expected results to manage performance when expectations are not being met, and plan learning and development opportunities.

This policy outlines the formal underperformance process and aims to:

1. provide a mechanism to assess identified underperformance that has not been resolved through a Performance Improvement Plan.
2. provide a streamlined and efficient process
3. ensure natural justice and procedural fairness
4. promote active performance management as an integral part of our workplace culture
5. ensure performance expectations during an underperformance process are clearly defined.

## 2. Definitions

**Employee:** All ongoing and non-ongoing employees who are engaged under Iraq- Office

**Manager:** The person to whom the employee reports to on a day-to-day basis who holds human resource delegations.

**Performance:** achievements of job objectives in an effective and efficient manner

**Employee Performance Appraisals.** An employee performance appraisal is a process—often combining both written and oral elements—whereby management evaluates and provides feedback on employee job performance, including steps to improve or redirect activities as needed.

**Improvement Plan:** This plan is agreed between employee and manager and developed when an employee is rated as ‘developing’.

**CR:** Country Representative.

**Support person:** An individual who may be elected by either employee or manager to support them through the underperformance process and any meetings relevant to the process.

Underperformance can be exhibited in the following ways:

1. Unsatisfactory work performance, that is a failure to perform the duties of the position or to perform them to the required standard
2. Non-compliance with workplace policies and procedures
3. Unacceptable behavior in the workplace
4. Disruptive or negative behavior that impacts on coworkers.

### 3. Application

This policy applies after an employee has been rated as 'underperforming' following an initial Performance Improvement Plan through the Performance Excellence process.

### 4. Considerations

#### Code of Conduct

Where there is a suspected breach of the ASB Code of Conduct, managers must seek advice from their HR and refer to the CR on Breaches of the Code of Conduct before following this policy.

### 5. Health and wellbeing

To ensure the health and wellbeing of our people, managers must seek support and guidance from their HR Policy while following this policy.

### 6. Support persons

Managers and employees may choose have a support person accompany them and witness any meetings or conversations relevant to the management of underperformance.

### 7. Formal underperformance assessment

Underperformance will be managed using a formal underperformance assessment over a four-week period. A decision is made by the delegate about the employee's employment following the written report.

### 8. Formal warning

A formal warning advising the employee of the formal underperformance assessment must include:

1. details of the required standards for the duties the employee has been assigned and how the employee has failed to meet those standards
2. details of how the employee's performance will be assessed
3. the possible consequences if the employee has not attained and sustained the required standards by the end of a one-month assessment period.

## 9. Resignation following formal warning

At any time after receiving a formal warning, an employee may choose to resign by submitting a letter of resignation and providing the required noticed period. This notice period may be waived by the delegate.

If the employee resigns following a formal warning, the employee is entitled to a payment, as a lump sum, of an amount equivalent to the salary the employee would have received if they had worked out the balance of the assessment period.

## 10. Assessing officer

. An Assessing Officer is appointed by the delegate or the CR, to formally assess the employee's performance for a period of four weeks. The assessing officer must be:

1. external from the team
2. seen as independent and having had no previous involvement in the matter
3. at the same classification level or higher than the employee.

The assessment period may be extended only in exceptional circumstances which the delegate considers necessary for the Assessing Officer to complete the assessment.

In making an assessment, the Assessing Officer:

Must have regard to:

1. the job description, duty statement
2. any mandatory capabilities required for the role
3. any written instructions or work standards relating to performing the employee's duties
4. the employee's Performance Improvement Plans
5. the required standard of performance required detailed in a formal warning to the employee.

May have regard to:

1. the employee's personnel files, including any available records which may indicate any patterns in the employee's work performance over a reasonable period
2. relevant medical reports, only with the employee's consent
3. referee, manager, peer or team member comments on the employee's performance during the four-week assessment period
4. job documentation relating to similar roles in ASB.

## 11. Submissions

The employee may make submissions to the Assessing Officer in support of their performance and may provide written comments on any documents the Assessing Officer is taking into consideration.

Assessment report: The Assessing Officer will provide a written report to the delegate on the last day of the assessment period. The report will provide an assessment and recommendation as to whether the employee has attained and sustained the required standard of work performance.

## 12. Letter of Intention

Upon considering the assessment report, the delegate will decide on an appropriate course of action and advise the employee in writing. If the delegate is satisfied that the employee's work performance has improved to the required standard, the delegate must advise the employee that no further action will be taken.

If the delegate is not satisfied that the employee's performance has improved to the required standard, the delegate may take one or more of the following actions:

- a) termination of employment
- b) reduction in classification level
- c) reassignment of duties
- d) some other appropriate action.

The delegate will advise the employee in writing outlining their intended course of action. The letter of intention must include:

- a) a copy of the assessment report
- b) the proposed action or inaction
- c) advise that the employee has seven days to respond and demonstrate why the proposed action should not occur.

Upon receipt of the letter of intention, the employee has a period of seven days to respond in writing, demonstrating why the proposed action should not occur.

## 13. Final Decision

Following the response period, the delegate will make a final decision and advise the employee in writing of that decision and the date it will take effect.

The delegate will decide to take one or more of the following actions:

- a) Take no further action under this process, or defer a decision to whether to take any action.
- b) Reduce the employee's classification level and/or reassign the employee to other duties.
- c) Terminate the employee
- d) Take some other appropriate action.

### 13.1 Reduction in classification level

An employee is not entitled to have their salary maintained at the same rate where their classification level is reduced.

## 13.2 Termination of employment

- a) Termination of employment takes effect in accordance with the National Employment Standards. The termination will take effect immediately.
- b) The employee must be notified of their right to dispute the decision under National Employment Standards. The date of effect of the termination is not affected by an employee's decision to dispute the termination of their employment.

## 14. Documentation

All meetings, conversations, support, guidance and performance expectations must be clearly articulated and recorded in writing. Any electronic records relating to the underperformance process must be stored in an appropriate HR file and secured by restricting access permissions and classifying the file as 'Unclassified – Sensitive: Personal'.

## 15. Responsibilities

Manager's responsibilities are to:

- a) Consult and seek advice from the HR on the most appropriate
- b) action to be taken.
- c) Apply natural justice and procedural fairness.
- d) Ensure formal correspondence is clear, accurate and complies with this policy.
- e) Regularly monitor the performance of the employee during the assessment period.
- f) Provide timely advice and support to the employee at relevant stages in the formal underperformance process.

The Delegate's responsibilities are to:

- a) Appoint an independent, unbiased assessing officer who has had no previous involvement in the matter.
- b) Ensure the practice of natural justice and procedural fairness.
- c) Ensure formal correspondence is clear, accurate and complies with this policy.
- d) Regularly monitor the performance of the employee during the assessment period.

The Assessing Officer's responsibilities are to:

- a) Plan and decide how the employee's performance will be assessed.
- b) Provide a fair and unbiased assessment of the employee's performance.
- c) Compile a clear, accurate assessment report that complies with this policy.

Employee's responsibilities are to:

- a) Actively participate in any conversations on performance.
- b) Actively endeavor to attain and sustain the required performance standards.
- c) Respond to the letter of intention where they do not agree with the proposed action.

A support person's responsibilities are to:

- a) Provide advice and guidance to the employee or manager whom they are supporting.
- b) Attend discussions and meetings to observe and provide support to the employee or manager whom they are supporting.

The Senior Managers team's responsibilities are to:

- a) Provide advice, support and coaching on the application of this policy.
- b) Provide guidance materials, templates and tools to support this policy.
- c) Provide advice on reasonable workplace adjustments in the event that illness or injury is affecting an employee's performance.
- d) Review and update this policy.

## 16. Legislative framework

This policy sits under the legislative framework of:

Iraqi Labor Law for nationals, and ASB HR policy for Expats.