

CCS Insights: You can't simply dismiss an employee for cause due to poor performance

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1. Lately, there were rising cases of employers complaining about under-performing employees. They have their hands tied as they worried about potential consequences if they fire an under-performing staff.
2. The root cause may not be employees were under-performing.
3. Instead, the expectation gap between employers and employees could attribute to poor performance.
4. The real cause could be the weaknesses during the recruitment process
5. As a result, we ended up hiring the wrong candidate.
6. Here is an interview test question:

When all the hard work has been done, the key points identified and the recommendations formulated, then I feel comfortable if others have the job of selling the policy

This question aims at checking the candidate's job preference, whether he or she prefers in formulating strategy rather than its implementation.

7. If the candidate agrees to the statement, meaning he or she prefers in formulating strategy. (This means he or she is willing to take on formulating strategy but refusing to execute a plan [implementation])
8. You will hit a snag if you hired the candidate and assigned the individual for formulating strategy.

The reason is that the candidate has clearly stated their strengths and weaknesses during the interview.

It would be unfair to the candidate if you judged him for under-performing based on this reason.

9. Unless the candidate disagrees with the statement during the interview (which means he or she can take on the implementation), then you will need to confirm the following with them:
 - o Do you mean you can execute or implement a plan effectively?
 - o And he replied confidently: Of course.

10. If you hired the candidate and found out the candidate did not perform as promised during the probation period, what should you do?
11. Please remember, the first thing is not issuing a warning letter or fired the candidate.
12. Maybe people are suggesting you issue a show cause letter.
13. But you should **communicate** with the person before issuing a show cause letter.
14. If the communication does not pan out well, you could issue a show cause letter requesting a written reply.
15. Reminder to all employers, you should give your staff a chance to justify themselves via show cause letter.
16. Then, consider the next course of action based on their explanation and justification.



17. What are the following steps you should take? These will include:

- ✓ The truth has surfaced, and the staffs were wrongly accused, and the company decided not to pursue the matter further.

- ✓ The truth has surfaced, and grave misconduct is discovered. The company decided to fire him or her (most severe punishment).
- ✓ The truth has surfaced. The inquiry has verified and established a case of misconduct with the staff. The company decides to give him, or her another chance but downgrading the staff's level of responsibility as punishment.
- ✓ The truth has surfaced. The misconduct of the staff was deemed less severe. The company decided to issue a warning letter to record the misconduct (least severe punishment)

18. Take note that employers should consider the severity of employees' poor performance/misconduct and should not immediately terminate their employment even if the explanation is found not to be satisfactory.

19. Employer may consider placing the employee on Performance Improvement Plan or ("PIP"). The use of a Performance Improvement Plan can help reduce the risk inherent in any termination. It supports employees whose performance has slipped, become inconsistent or otherwise needs improvement.

20. Bosses will tend to fire underperforming staff, as they do not want to waste time over the issue.

21. But firing and terminating underperforming staff may not be a wise decision and could land yourself into a legal suit.

22. A true man won't stand beside a collapsing wall.

23. This means a man will keep himself away from a dangerous place, with the capability to take precautionary steps ahead any potential problem that could arise, as well as to get out of a dangerous situation immediately.



1. 最近接到蛮多这样的案件 - 雇主投诉员工 Poor Performance, 想炒又怕惹事上身, 不懂怎么办。
2. 其实, 有时候真正的问题并非单纯的 Poor Performance
3. 而是雇主对员工的期许, 出现了落差
4. 而追根究底, 原来是因为请人时 - 把关不严
5. 才导致是自己聘请错了人
6. 这一题测试题:



我都已经完成了最困难的工作 - 确定了重点, 还起草了意见。如果公司安排其他人来推广这些政策, 那么我会感到很舒服。

~ 主要是鉴定求职者比较喜欢制定战略, 还是实施战略。

7. 面试时, 如果在回答这一题时, 他告诉你他赞成, 这表示他比较喜欢制定战略【间接也表明, 你叫他制定战略, 他是没有问题的; 但是假如你指派他去做执行的人, 他就有点不愿意】
8. 聘请了他后, 如果你委派他去负责“执行”的事务, 几乎肯定碰钉子的。
 - 因为面试时, 他是有明确告诉你, 他擅长什么, 不擅长什么
 - 因此, 你现在因为这样就去判定他表现不佳, 对他而言是有点残酷及不公平的
9. 万一面试的时候, 这一题测试题他说他反对【就表示, 执行他也可】, 你需要跟他确认: 你的意思就是说, 你能够胜任“执行”的工作?
 - 然后他拍胸膛说: 胜任有余
 - 而过后, 你也因为这样聘请了他
10. 等到他正式上班时, 在试用期间, 你发现他好像不太行叻, 怎么办呢?
11. 切记, 你要做的第一件事, 不是炒他或给他警告信 [Warning Letter]

12. 或许有人会建议你先给他要求解释信 [Show Cause Letter]
13. 一般上，在还没有正式出 Show Cause Letter 给他之前，应该先与他进行面对面沟通。
14. 当沟通也无济于事时，此时就只能使出 Show Cause Letter，叫他书面做出解释。
15. 再度提醒，身为雇主，一定要给机会员工通过 Show Cause Letter 作出解释
16. 过后，才根据他/她的解释，决定下一步公司所要采取的行动
17. 下一步是什么呢？包括：
 - ✓ 哦，真相大白，发现员工被冤枉，公司不再追究；
 - ✓ 真相大白，发现员工犯了严重的不当行为，公司决定解雇他/她【最严重的惩罚】；
 - ✓ 真相大白，发现员工所犯的不当行为，既不轻也不重，公司决定给机会，但需要处罚，因此可考虑把他/她降级；
 - ✓ 真相大白，发现员工确实行为不当，但是整体而言，还不算是非常严重，因此公司决定只发出警告信【最轻微的惩罚】警惕犯错的员工
18. 注意，雇主也不能说，只要不满意员工的解释，就马上炒；因为还是要看他犯错的轻重
19. 雇主可以考虑安排“绩效改善计划” [PIP] 给表现不好的员工，这能为绩效下降，工作表现变得不一致或需要改进的员工提供支持。通过“绩效改进计划”可以帮助降低任何解雇中存在的风险。
20. 虽然很多时候，员工的无能，老板的第一个反应都是 - 炒 [解雇]，因为不想再浪费时间
21. 但是，若因为一句 Poor Performance，就把员工炒掉，是非常鲁莽及草率的决定，往往就把自己陷入吃官司的窘境
22. “君子不立于危墙之下”
23. 字面意思：君子要远离危险的地方。这包括两方面：一是防患于未然，预先觉察潜在的危險，并采取防范措施；二是一旦发现自己处于危險境地，要及时离开。

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