



Managing Underperformance Effectively

CREDIT UNION SEMINAR
MAY 2026



Agenda



Shift from general performance to managing underperformance

Practical tools for managers

Legal risks in Ireland (WRC perspective)

How to protect the Credit Union and support the employee

Menti-Meter Poll



Do you have concerns around managing underperformance?

What Underperformance Looks Like



Common Manager Mistakes

01. Avoiding the issue or delaying action

02. Being vague instead of specific

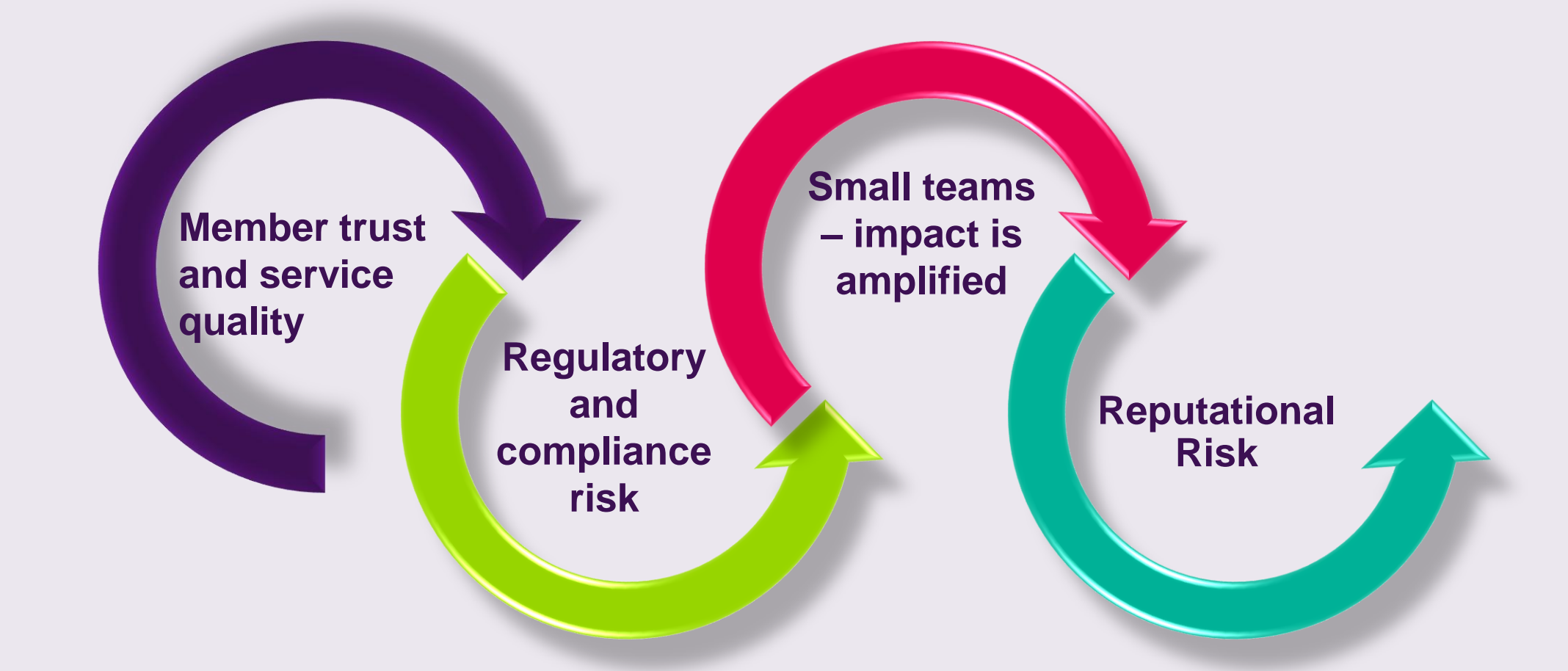
03. No documentation of concerns

04. Jumping to disciplinary without support phase

Why This Matters in Credit Unions



Why this Matters in Credit Unions?

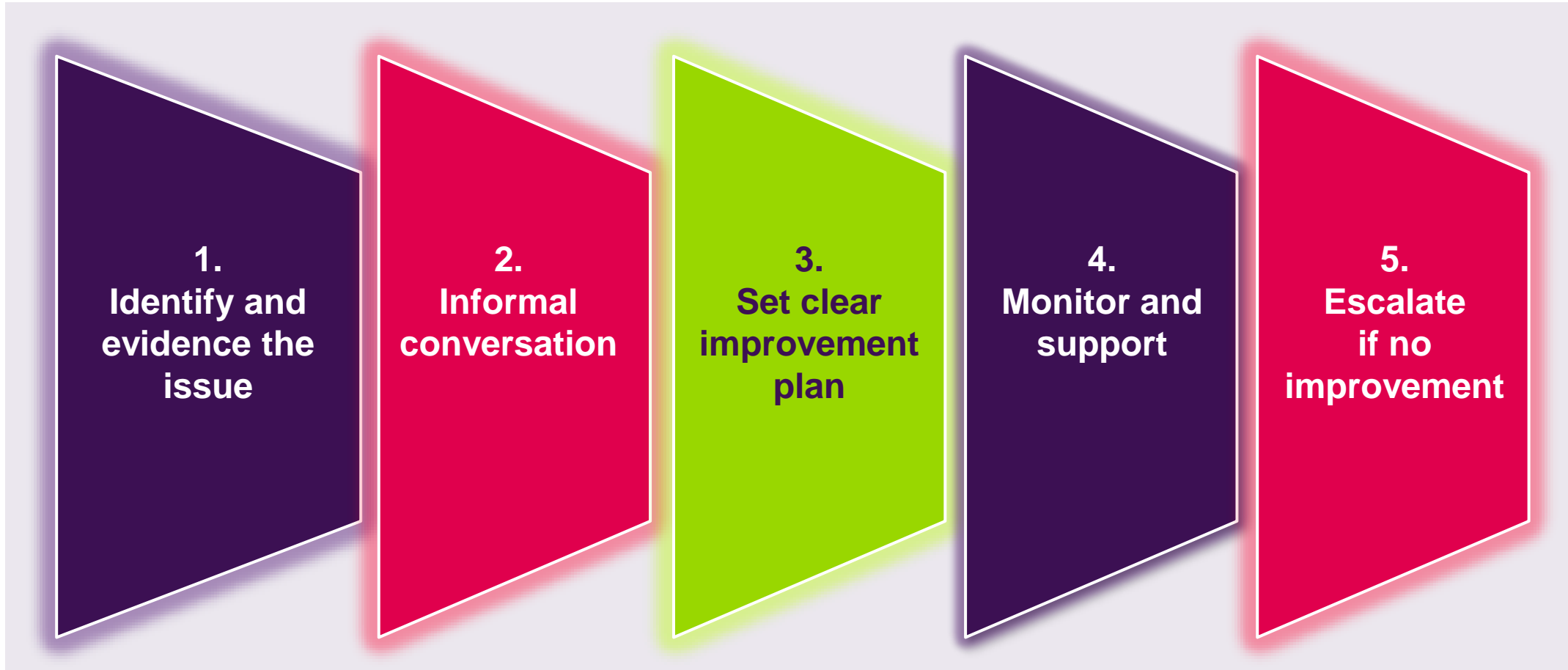


Early Intervention is Critical

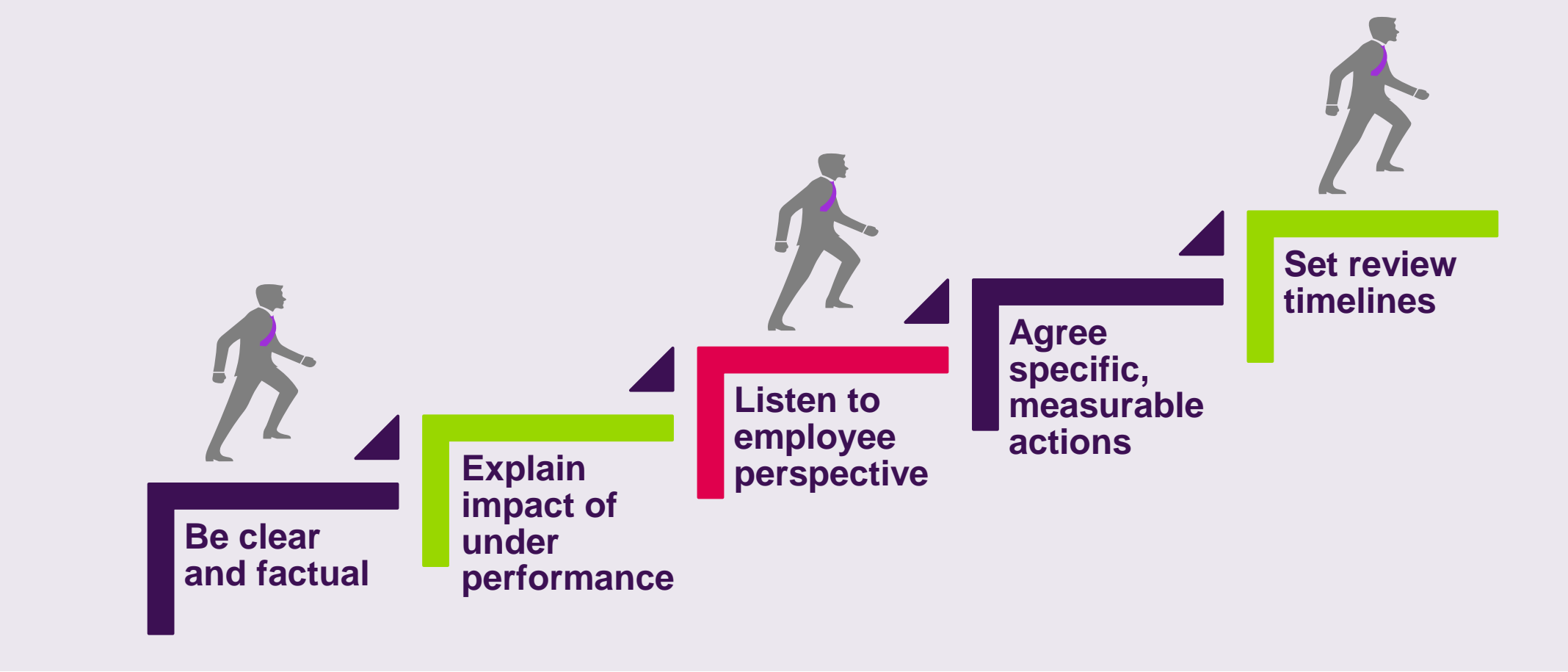
- Address issues as soon as identified
- Use informal conversations first
- Clarify expectations clearly
- Give employee opportunity to improve



Structured Approach to Underperformance



Effective Conversation Framework



Menti-Meter Poll



Have you any experience of dealing with an underperformer in your Credit Union?

Example: Poor Performance Conversation



**“You need to improve
your attitude”**

(too vague)

- No examples provided
- No clear expectations set
- No follow-up agreed

Example: Strong Performance Conversation

- **Specific examples provided**
- **Clear standards outlined**
- **Employee given opportunity to respond**
- **SMART improvement plan agreed**



Performance Improvement Plans (PIP)

- Clearly outline gaps and expectations
- Set measurable targets
- Define timeframe (e.g. 4–8 weeks)
- Include support/training
- Document all meetings



Documentation is Critical

- Keep records of all conversations
- Confirm discussions in writing
- Track progress against targets
- Essential for WRC defence



When to Escalate to Formal Process



No improvement after support phase

Serious or persistent issues

Risk to business or compliance

Follow disciplinary procedure strictly

Manager Mindset Shift



- **From avoidance to accountability**
- **From judgement to support**
- **From annual review to continuous management**
- **From opinion to evidence**

Legal Framework – Fair Procedures



Unfair Dismissals Acts 1977–2015

Employment Equality Acts 1998–2015

Industrial Relations Act 1990

Code of Practice (S.I. 146/2000)

Natural justice: right to be heard & absence of bias

Unfair Dismissal – WRC Expectations

- **Genuine performance issue must exist**
- **Clear communication of concerns**
- **Warnings and opportunity to improve**
- **Reasonable timeframe and support**
- **Adherence to Credit Union procedures (fair) and natural justice**



Constructive Dismissal



- Employee resigns due to employer conduct
- Employer must not act unreasonably
- Failure to manage fairly can trigger claims
- High legal threshold but increasing claims

Equality Legislation Risk

- **Ensure no discrimination across 9 protected grounds**
- **Consistency in performance management**
- **Reasonable accommodation required**
- **Bias or inconsistency increases legal exposure**

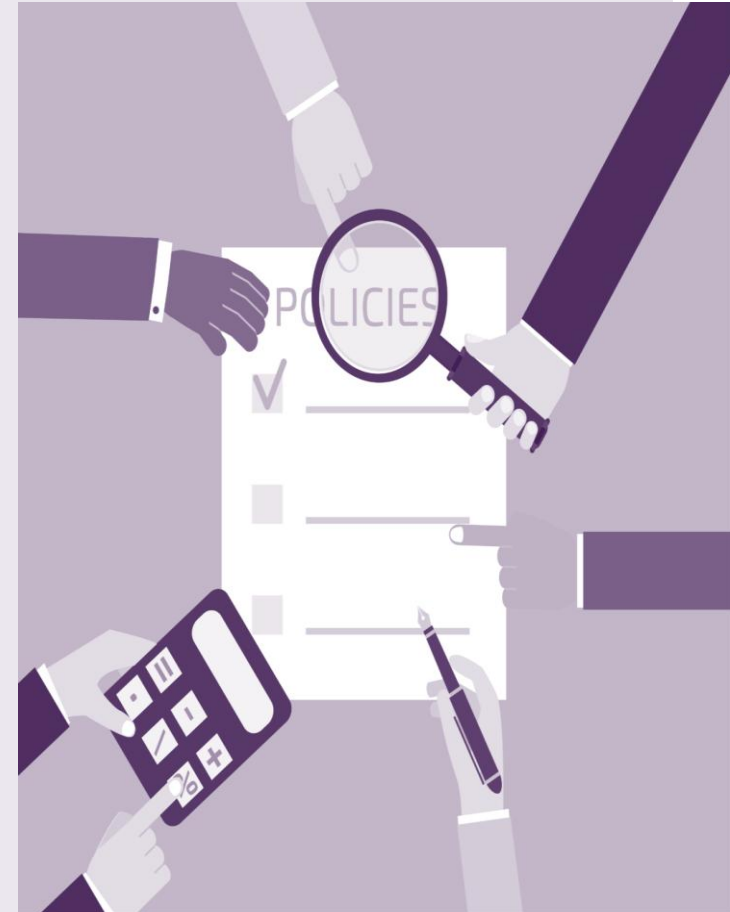




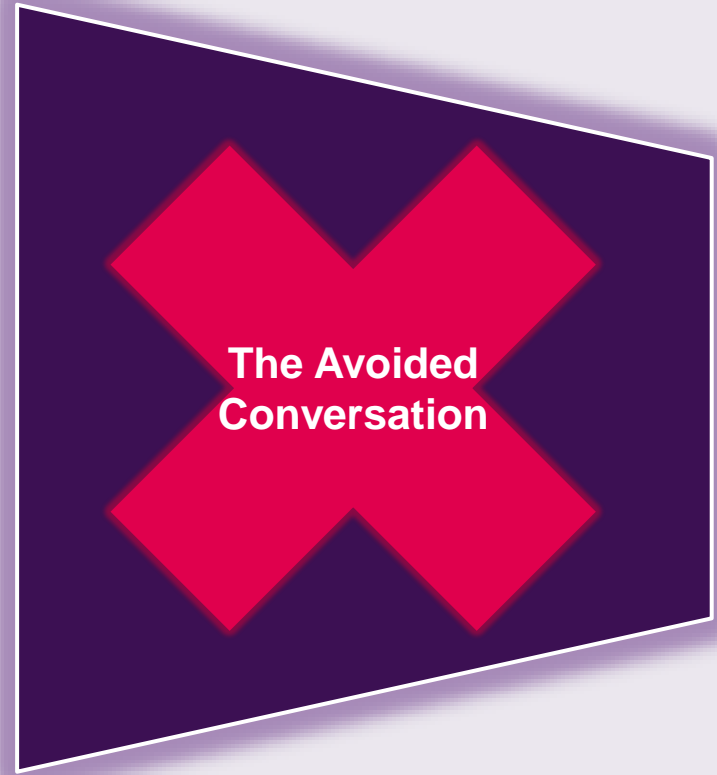
Key Case Law

Key Case Law

- **Rachel Berthold v Google Ireland Limited (2011)**
- **Prathibha Prakasan vs Castlebridge Manor Private Clinic Limited t/a Castlebridge Manor Nursing Home (2025)**
- **O'Donovan v Over-C Technology Limited (2021)**



Case Study: The Avoided Conversation



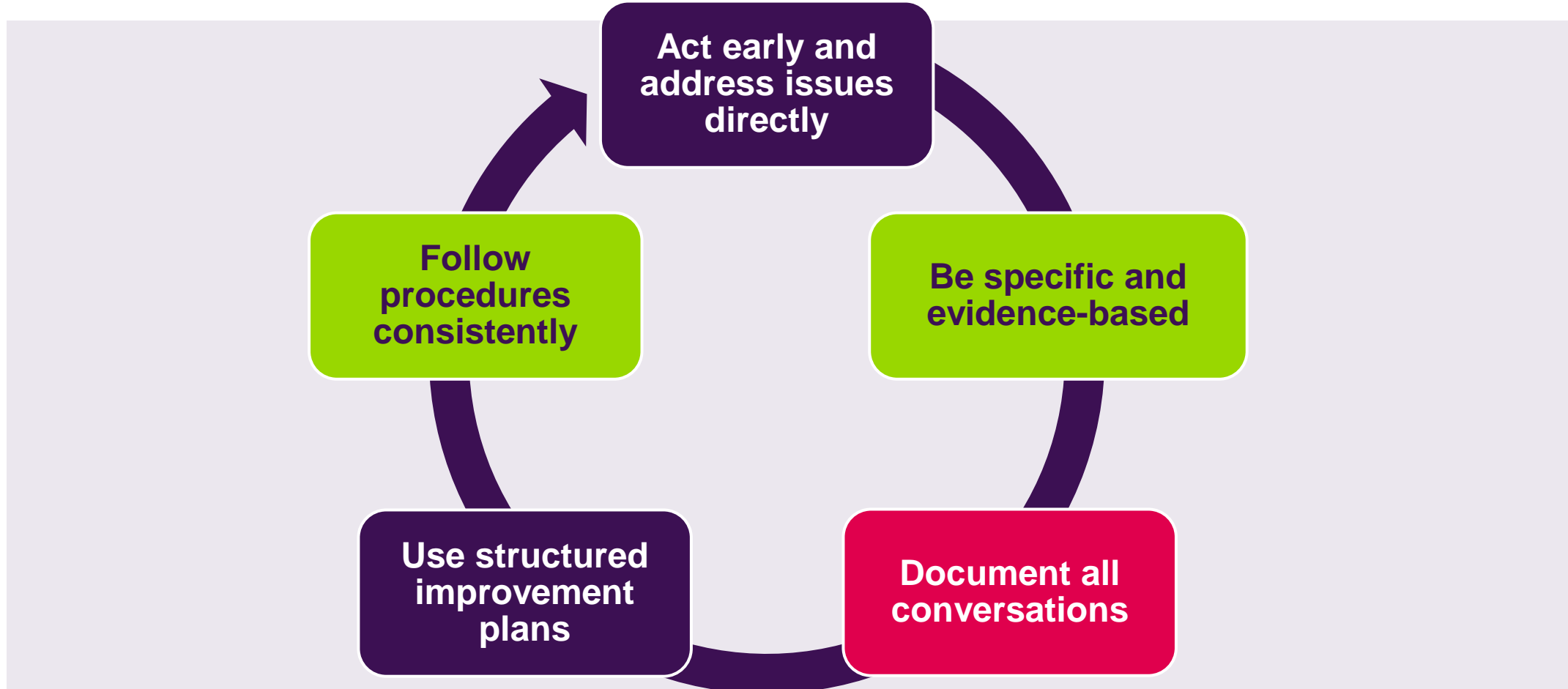
- Underperformance over 6–9 months
- Manager avoided direct conversation
- No documentation or formal warnings
- Sudden escalation to dismissal

Case Study – What Went Wrong



- No clear expectations set
- No evidence trail
- No opportunity to improve
- Failure to follow fair procedures
- Likely outcome: Unfair dismissal

What Managers Must Do



Key Takeaways

Address underperformance early

Be clear, structured and consistent

Document everything

Follow fair procedures

Support the employee before escalating

You are judged on process, not just outcome

Poor performance does not justify poor process

Consistency and documentation are essential



**Questions? Use
the Menti Meter!**



Thank you

 @RBK
 @RBKCA
 @RBK
 www.rbk.ie

We're by your side

Disclaimer

While every effort has been made to ensure the accuracy of information within this publication is correct at the time of going to print, RBK do not accept any responsibility for any errors, omissions or misinformation whatsoever in this publication and shall have no liability whatsoever. The information contained in this publication is not intended to be an advice on any particular matter. No reader should act on the basis of any matter contained in this publication without appropriate professional advice.