

How to ensure your employee write-up is productive and legally sound



Writing up an employee is an often unpleasant reality of being a manager. However, it's also a necessary one. Writing up an employee sends a clear message that an aspect of the worker's behavior or conduct is unacceptable. Additionally, it serves as a formal record spelling out and recording the infraction.

This notice lays the groundwork for addressing what needs to improve and what consequences may follow if change fails to occur. If the company later terminates the employee and he takes legal action, the write-up can play a substantial role in supporting the organization's decision. That is why it is vital to follow a carefully laid out process to protect the company from potential lawsuits.

This task is never a pleasant experience for either party. However, it can be a productive one. A write-up is not only a notice of poor conduct, but it's also an opportunity to address an existing problem and steer an employee in a more positive direction. When writing up an employee, you should aim to make the process both legally sound and as productive as possible by adhering to best practices.

Follow your company's progressive discipline procedures

Don't immediately jump to a write-up to address a problem with an employee. Organizations typically have a set structure on how to handle matters, such as first issuing a verbal warning. Sticking to these guidelines reduces the potential for an employee later claiming unfair treatment.

Likewise, familiarize yourself with the organizational policy on what situations require a write-up and which require alternate action. A pattern of tardiness or improper dress, for instance, might warrant a write-up. Noticing someone's lack of a certain skill might be better addressed in a performance review. Stealing from the company or acting violently at the office usually demands immediate termination.

Use a standard form

Managers always should use a company-approved template for a write-up. This form makes the process easier and ensures all pertinent information gets included. It also promotes consistency in how employees get written up, which defends against charges of harshness and being picked on.

While the exact outline differs by company, common components include:

- The name and position of the employee
- The name and title of the person writing the warning
- The date of the write-up
- The offense
- The policy being violated
- A summary of prior action taken regarding this issue
- A statement of the employer's expectations and possible results for failing to meet them going forward
- A statement letting the employee know where this write-up will be filed and who within the company will be receiving a copy
- Space for relevant signatures

Get in the right frame of mind

Respect the write-up's importance to both the employee and the company. Avoid filling it out carelessly or vindictively. A complete, objective account sets the stage both for employee improvement and for protecting the employer against wrongful termination claims down the line.

"Do it with a clear head," says Tony Martins, founder of the media platform [Profitable Venture](#). "Sometimes employees can frustrate and anger us, but those feelings have the potential to just worsen the situation overall. I made this mistake early on in my career. I was angry with an employee for making a mistake that cost me a lot of time and money to fix. Because I wrote him up while I was angry, I wasn't clear enough in my expectations. This created a frustrating situation for the both of us that could have ended a lot more smoothly if I had been in a clear enough state of mind to communicate properly."

Stick to the facts

Without emotion or interpretation, state the problem at hand. Provide concrete examples of the wrongdoing, and avoid unnecessary commentary.

Stay away from vagueness, too. The write-up won't help the offender improve if she cannot easily understand the exact actions that led to this form of discipline. Likewise, a lawyer later could look at a page of generalities and claim there is no clear evidence to warrant his client's dismissal.

Cite the violated policy

A worker receiving a write-up may claim he was unaware that his actions were problematic. Thus, it pays to include relevant information from the employee handbook that clearly links the offense to the specific clause it breaks. Employees typically sign a statement when hired saying that they have received and read the handbook, so "nobody told me" becomes an invalid excuse.

Include an action plan

A solid write-up should contain advice on how to right the ship. State what actions need to stop or start. Lay out how changes will be evaluated and what consequences could result from failure to do so.

“It's always important to look forward and include a clear action plan in your write-up. Ensure you have a clear, objective goal that you will both work towards,” says Mark Webster, co-founder of [Authority Hacker](#). “For many, this is where things falter. While it might be tempting to simply write ‘don't do it again’ and call it a day, this type of goal is far too subjective and doesn't work to fix the underlying problem.”

Set up a meeting

After filling out the write-up, present it in person. If dealing with a remote worker, schedule a Zoom call. A face-to-face conversation conveys the seriousness of the situation, allows you to read body language, and promotes discussion aimed at resolution.

Many companies require another person besides the manager and the employee to attend in order to have a witness present. Be especially vigilant if the offender belongs to a union. Agreements may require a union representative to be present when a member is issued a warning.

Obtain signatures

Before adjourning, all parties present should sign the write-up. Many premade forms include a statement that the signature acknowledges receipt of the write-up, not necessarily agreement with its contents. To encourage good relations, the document may include a section in which the worker can provide his own viewpoint and commentary.

Follow up

Write-ups get a reputation as bureaucratic nonsense if managers just file them away without another thought. While receiving a write-up in and of itself may inspire an offender to improve behavior, maximize success by referring back to its terms. If progress has not been made, the employee needs to know you are still monitoring the situation and will follow through with the next stage of discipline. If the employee has changed his ways, follow-up contact provides an opportunity for acknowledgment. Either way, word will spread that the company takes write-ups seriously.