



RECRUITING | HR SERVICES



FIRING TIPS: HOW TO LET SOMEONE GO RESPECTFULLY

Tips, Templates & Tactics

FOLLOW RUSHER ROGERS AND KEEP UP TO DATE WITH THE LATEST HR NEWS

[LinkedIn](#) | [Facebook](#) | [Twitter](#) | [Blog](#)

www.rrhr.com.au

Contents

Introduction	3
Review Everything	4
Get the paperwork together	4
Choose your day and time	4
Follow due process & natural justice	4
Do it in person	5
Keep it private.....	5
Watch the emotions	5
Witnesses.....	5
Protect yourself & your business	5
Explain & Be Clear	6
Find a positive	6
Wish them well	6
Collect your property.....	6
Tell the team.....	7
Tell the clients.....	7
Thank you for reading this eBook.....	8
Unsatisfactory Work Performance/Discipline First/Second Warning	9
Unsatisfactory Work Performance/Discipline Final Warning.....	10
Letter of Termination with Notice	11
Letter of Termination – Summary Dismissal/Serious Misconduct	13

Introduction

Ask any Manager or Human Resource Manager and the hands-down most-hated job is firing someone. It doesn't matter how bad the behaviour, or how justified your action – as soon as you need to fire someone your palms start to sweat and you get butterflies.

So what do you do?

Here are 15 firing tips on how to let someone go respectfully. They won't make the task any easier for you, but they will make a difference for the person on the receiving end.

Please note that the following is a guide only on how best to manage that final termination meeting. If letting an employee go is the only and final outcome, all prior steps before reaching this stage must have been followed according to [Fair Work Australia guidelines](#), properly documented and communicated clearly in a fair and equitable manner.



Review Everything



Before you hit the "fire" button, take time to review every piece of documentation about the person and the performance issue or issues that have led up to the decision to fire. Will the documentation stand up in a court of law? Have there been adequate warnings? Is the matter so serious that you can instantly dismiss. (Always talk with your employer's association or an Industrial Lawyer before you instantly dismiss someone).

Get the paperwork together

The termination letter, severance pay and all other documentation should be prepared and ready to go on the day you fire the person.



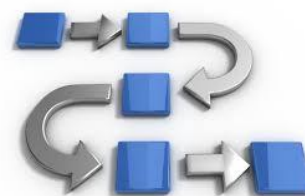
Choose your day and time



The rule here is early in the week, early in the day. At times, a lunch hour may be acceptable as it gives more privacy for the person. Never terminate someone just before a weekend or public holiday as you give them time to "stew" without support of colleagues and employment agencies.

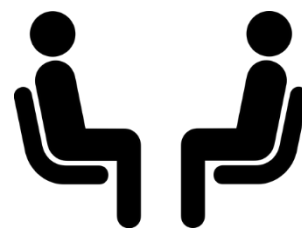
Follow due process & natural justice

This means that you need to ensure that you have carefully investigated the matter, have given the team member the opportunity to correct things, have made them aware of allegations against them, and considered the team members response to allegations prior to making any decision to terminate. If your company has a policy in relation to termination, if the industrial awards/agreements or if your government has specific processes that need to be adopted, then you must comply with these processes.



Do it in person

We have all heard horror stories of people terminated by Facebook, email or phone. When you are going to fire someone, the only respectful way to do this is in person.



Keep it private

Ensure that you fire the person in private. This does not mean the local coffee shop. You may also find that your office is not a great choice. If possible, use a neutral conference room where people walking past can't see what is going on.

Watch the emotions

If you are angry, do not fire someone, as you are 100% guaranteed to "stuff it up". Only fire someone when you have collected your thoughts and are relatively calm. You also need to watch the emotions of the person you are firing. It is not your role to be their counsellor – your role is to be professional but human. Don't be cold and don't gush – keep your emotions on an even keel.

Witnesses

You will need a witness to the meeting. This witness should be someone from Human Resources or another manager, not one of the team member's peers. Remember also to offer the person their choice of support person to attend the meeting with them.



Protect yourself & your business

People who are hurt and upset can do irrational things. Make sure you always plan before you get into the room what you will do if the person becomes violent or angry. Also remember to change security codes and computer passwords as soon as possible – this can be done while the person is in the meeting or soon after.



Explain & Be Clear

In the meeting, you need to explain to the person that they are being fired. You need to use very explicit words such as terminate, end your employment or let go (yes, it may seem harsh, but unless you are overly clear people will misconstrue what is happening).

You also need to explain the high-level reasons why the person is being fired. This is not the time to list every tiny mistake – round them into a general title "poor performance". Make sure you cover when you expect the person to finish (immediately), what termination pay they are entitled to and what you will say if anyone calls you for a reference.

Find a positive

No one was a total waste of space in a workplace. Find at least one thing that the person did well which could be they made a real effort, or they were always punctual. Don't lay it on too thick though.

Wish them well

Always wish the person well for the future. Just because they were not right for your workplace, doesn't mean they won't be wildly successful somewhere else.



Collect your property

Make sure that all your property such as mobile phones, laptops, and security passes are collected before the person leaves the building.

Tell the team

You need to be the one to tell the team as soon as possible after the event to stop the rumour mill. You can't tell them why the person was dismissed (that is confidential) – but you can tell them the person won't be coming back. Ensure you reassign the tasks of the person and let them know your plans to fill the role. You can be sure that the person who has been fired will contact at least one of your team to check what was said about them – so keep it professional.



Tell the clients

Your last task is to ensure all clients of the person are informed that the person is no longer working with you, and who their new point of contact will be. Take the time to reassure them of your continued focus on service and attention to their needs – otherwise you may lose more than just the dismissed team member! There is no nice way to fire someone. All you can do is to work hard to ensure that you fire the person in such a way that they leave with their dignity intact.



Thank you for reading this eBook.

The following pages contain letter templates.

Please note that this eBook is a guide only on how best to manage that final termination meeting. If letting an employee go is the only and final outcome, all prior steps before reaching this stage must have been followed according to [Fair Work Australia guidelines](#), properly documented and communicated clearly in a fair and equitable manner.

**If you would like to know more about
Rusher Rogers' recruitment practice**

(We do this for our clients and more... All day every day)

visit: www.rrhr.com.au or phone 03 9682 7044



Rusher Rogers

Level 3, 330 Little Collins St
Melbourne, VIC 3000
03 9682 7044

enquiries@rrhr.com.au

www.rrhr.com.au

Unsatisfactory Work Performance/Discipline First/Second Warning

<Date>

Private and confidential

<Insert employee's full name>

<Insert employee's residential address>

Dear <insert name>

Warning letter

I am writing to you about your <performance/conduct> during your employment with <insert company/partnership/sole trader name and the trading name of business> (the employer).

The next part of this letter sets out an example of best practice performance/conduct counseling. It is not prescribed by law. You may not have done all these things or they may not be relevant in your situation so you should delete what isn't needed.

*If you are a small business it is **very important** that you ensure you have complied with the Small Business Fair Dismissal Code if you are considering terminating an employee. Visit www.fairwork.gov.au for a copy of the Code.*

On <insert date> you met with <insert name of others at the meeting>. At this meeting you were advised that your <performance/conduct> has been unsatisfactory, and that immediate improvement is required. In particular you were advised that <insert explanation of unsatisfactory performance or conduct, for example regularly attending work late or not completing required tasks>.

In the meeting you were asked if you had anything you wished to say or to respond to the situation and you <insert details of the employee's response or if no response was provided you can note here that the employee 'did not respond'>.

After considering the situation it is expected that your <conduct/performance> improves and specifically that you <insert advice given to employee regarding improvement of performance or conduct, for example outline deadlines for improvement, specific performance targets set (ensure whatever you require is reasonable and fair in the circumstances and that you have considered any response or reasons from the employee)>.

*It is **very important** that you do not set requirements that are discriminatory, unlawful or otherwise unreasonable. You may wish to seek professional advice about discrimination and other general protections.*

This is your <first/second> warning letter. Your employment may be terminated if your <conduct/performance> does not improve by <insert date that is reasonable in this situation>.

I propose that we meet again on <insert date> to review your progress. Please let me know if this time is convenient to you. If you wish to respond to this formal warning letter please do so by contacting me on <insert phone number> or by replying in writing.

Yours sincerely,

<Insert name>

<Insert position>

PLEASE KEEP A COPY OF THIS LETTER FOR YOUR RECORDS

Unsatisfactory Work Performance/Discipline Final Warning

<Date>

Private and confidential

<Insert employee's full name>

<Insert employee's residential address>

Dear <insert name>

Final warning letter

I am writing to you about your <performance/conduct> during your employment with <insert company/partnership/sole trader name and the trading name of business> (the employer).

The next part of this letter sets out an example of best practice performance/conduct counselling. It is not prescribed by law. You may not have done all these things or they may not be relevant in your situation, so you should delete what is irrelevant. Using this letter also assumes you have already provided written warnings about this issue. If you have not done this already, it is recommended you consider using the ['First/second warning letter template'](#).

*If you are a small business it is **very important** that you comply with the Small Business Fair Dismissal Code if you are considering terminating an employee. Visit www.fairwork.gov.au for a copy of the code.*

On <insert date> you attended a meeting with <insert name of others at the meeting>. At this meeting you were advised that your <performance/conduct> has been unsatisfactory. You were issued with a formal warning letter dated <insert date>, which stated that if your <performance/conduct> did not improve your employment may be terminated.

At our meeting on <insert date>, your <performance/conduct> was again reviewed and you were advised that improvement had not been achieved to the level required by the employer. You were provided with a second warning letter dated <insert date>.

Remove the above sentence if you are going straight from a first to a final warning letter.

As I advised at our meeting on <insert date>, your performance has not improved and continues to be unsatisfactory.

This is a final warning letter. If significant improvement in your <performance/conduct> is not achieved by <insert date> your employment may be terminated. To reiterate, our expectation is that you <insert details of expected outcomes>.

*It is **very important** that you do not set requirements that are discriminatory, unlawful or otherwise unreasonable. You may wish to seek professional advice about discrimination and other general protections.*

I propose that we meet again on <insert date> to review your progress. If you wish to respond to this final warning letter please do so by contacting me on <insert phone number> or by replying in writing.

Yours sincerely,

<Insert name>

<Insert position>

PLEASE KEEP A COPY OF THIS LETTER FOR YOUR RECORDS

Letter of Termination with Notice

<Date>

Private and confidential

<Insert employee's full name>

<Insert employee's residential address>

Dear <insert name>

Termination of your employment

I am writing to you about the termination of your employment with <insert company/partnership/sole trader name and the trading name of business>.

The next part of this letter sets out an example of best practice performance/conduct counselling prior to termination. It is not prescribed by law. You may not have done all the things in the three paragraphs below so you should delete what is not relevant to your situation.

If you are a small business it is very important that you ensure that you have complied with the Small Business Fair Dismissal Code before you terminate an employee's employment. Visit www.fairwork.gov.au for a copy of the Code.

On <insert date> you met with <insert name of others at the meeting>. In that meeting, you were advised that <insert advice given to employee regarding improvement of performance or conduct, for example any deadlines for improvement, new targets set etc>. You were issued with a formal <warning/counselling> letter on <insert date>.

On <insert date> you had a second meeting with <insert names of other people at the meeting> and you were advised that your <performance/conduct> had not improved to the level required. You were issued with a second <warning/counselling> letter on <insert date>.

You also attended a meeting with <insert name of others at the meeting> on <insert date>. In that meeting you were issued with a final <warning/counselling> letter. This letter indicated that your employment may be terminated if your <performance/conduct> did not improve by <insert date>.

<I/We> consider that your <performance/conduct> is still unsatisfactory and have decided to terminate your employment for the following reasons:

- <Insert reasons relating to performance or conduct>
- <Insert reasons relating to performance or conduct>

Option A: Use this option if you want the person to work his or her notice period.

Based on your length of service, your notice period is <insert number> weeks. Therefore your employment will end on <insert future date to cover all of the weeks you need to give notice>.

Check the National Employment Standards and your relevant industrial instrument (e.g. award or registered agreement) for how much notice you need to provide the employee. If there is an applicable industrial instrument or contractual arrangement (e.g. contract of employment, workplace policy) that provides different notice amounts than the National Employment Standards, you need to provide whichever is more generous to the employee. Need help? Call the Fair Work Infoline on 13 13 94.

Option B: Use this option if you want the person to be paid in lieu of notice.

Your employment will end immediately. Based on your length of service, your notice period is **<insert number>** weeks. In lieu of receiving that notice, you will be paid the sum of \$**<insert amount>**.

Check the National Employment Standards and your relevant industrial instrument (e.g. award or registered agreement) for how much notice you need to provide the employee. If there is an applicable industrial instrument or contractual arrangement (e.g. contract of employment, workplace policy) that provides different notice amounts than the National Employment Standards, you need to provide whichever is more generous to the employee. Need help? Call the Fair Work Infoline on 13 13 94.

You will also be paid your accrued entitlements and any outstanding pay, up to and including your last day of employment. This includes the balance of any time off instead of overtime accrued but not yet taken (paid at the overtime rate applicable when the overtime was worked), and superannuation.

If you have been paid annual leave in advance, any amount of annual leave still owing will be deducted from your final pay.

You may seek information about minimum terms and conditions of employment from the Fair Work Ombudsman. If you wish to contact them you can call 13 13 94 or visit their website at www.fairwork.gov.au.

Some termination payments may give rise to waiting periods for any applicable Centrelink payments. If you need to lodge a claim for payment you should contact Centrelink immediately to find out if there is a waiting period.

Yours sincerely,

<Insert name>

<Insert position>

PLEASE KEEP A COPY OF THIS LETTER FOR YOUR RECORDS

Letter of Termination – Summary Dismissal/Serious Misconduct

<Date>

Private and confidential

<Insert employee's full name>

<Insert employee's residential address>

Dear <insert name>

Termination of your employment

I am writing to you about the termination of your employment with <insert company/partnership/sole trader name and the trading name of business>.

I refer to our meeting on <insert date> which was attended by you and <insert name of others at the meeting>. During the meeting we discussed <insert details of serious misconduct>.

This meeting was attended by you and <insert names of people at the meeting> and we spoke about <insert details of the serious misconduct incident, including the date it occurred>.

As discussed during the meeting, your conduct during that incident:

Delete the points not applicable or add other if you believe they warrant summary dismissal. Seek legal advice if you are unsure if the actions warrant termination of employment without notice.

- was wilful or deliberate behaviour by you that is inconsistent with the continuation of your contract of employment.
- caused a serious and imminent risk to the health or safety of a person.
- caused a serious and imminent risk to the reputation, viability or profitability of the Employer's business in that <insert details>.
- was conduct in the course of your employment engaging in theft, and in the circumstances your continued employment during a notice period would be unreasonable.
- was conduct in the course of your employment engaging in fraud, and in the circumstances your continued employment during a notice period would be unreasonable.
- was conduct in the course of your employment engaging in assault and in the circumstances your continued employment during a notice period would be unreasonable.
- you were intoxicated at work, to the extent that you were so impaired that you were unfit to be entrusted with your employment duties.
- you refused to carry out a lawful and reasonable instruction that was consistent with your contract of employment, and in the circumstances your continued employment during a notice period would be unreasonable.

We consider that your actions constitute serious misconduct warranting summary dismissal.

You will also be paid your accrued entitlements and any outstanding pay up to and including your last day of employment. This includes the balance of any time off instead of overtime paid accrued but not yet taken (paid at the overtime rate applicable when the overtime was worked), and superannuation.

If you have been paid annual leave in advance, any amount still owing will be deducted from your final pay.

You may seek information about minimum terms and conditions of employment from the Fair Work Ombudsman. If you wish to contact them you can call 13 13 94 or visit their website at www.fairwork.gov.au.

Some termination payments may give rise to waiting periods for any applicable Centrelink payments. If you need to lodge a claim for payment you should contact Centrelink immediately to find out if there is a waiting period.

Yours sincerely,

<Insert name>

<Insert position>

PLEASE KEEP A COPY OF THIS LETTER FOR YOUR RECORDS