

DISMISSAL CHECKLIST

Unfortunately, it sometimes becomes necessary to terminate an employee's employment. Any dismissal has the potential to expose the employer to legal proceedings, so it's critical that the correct process is followed. This *Dismissal Checklist* provides guidance about what to consider when terminating an employee's employment.

1 BEFORE DISMISSAL



Unfair Dismissal

- Has the employee completed the Minimum Employment Period?
 - Small Business Employer (a total of 14 or fewer employees) – 12 months
 - Other business – 6 months
- Have you complied with the Small Business Fair Dismissal Code (if applicable)
- Do you have a valid reason for the dismissal and has the employee been afforded procedural fairness?

General Protections

Workers' Compensation legislation

Equal Opportunity legislation

- Is part of the reason for dismissal because of a protected attribute (e.g. age, disability, family or caring responsibilities)?

2 CONFIRM DISMISSAL IN WRITING



Process followed and reason for dismissal

Date the termination takes effect

Whether the employee is required to work the notice period or will receive payment in lieu of notice (or any other arrangement). (Check the relevant award/agreement and/or employment contract to ensure what, if any, notice is required to be given)

Remind the employee of their obligations during the notice period and post-employment

Organise the return of company property



3 PAY OUT ENTITLEMENTS

- Pay out all wages owed up until the final day of employment
- Check all contract and modern award/enterprise agreement obligations regarding entitlements on termination of employment (e.g. annual leave, time in lieu, redundancy pay, etc)
- Check eligibility for long service leave



4 RETURN OF COMPANY PROPERTY

- Ensure that all company property (including confidential information) is returned
- Change passwords, PINs, divert emails and cease remote access to the employer's systems



5 CONFIRM DISMISSAL

- Retain records of the dismissal
- Notify other relevant parties about the dismissal
- The employee may request an Employment Separation Certificate for Centrelink purposes



This document is a guide only and does not constitute legal advice. You should seek independent legal advice about your particular circumstances before dismissing an employee.