Instant dismissal (dismissal without notice)

Instant dismissal may be justified if a serious offence has occurred, eg theft, wilful damage, physical violence to others while on duty or deliberate unsafe conduct that endangers others.

- Check what any witnesses have to say. Document their comments.
- Talk to the employee about what occurred. Allow some ‘cooling-off’ time first.
- Check if there were any mitigating circumstances, eg personal problems, provocation.

Dismissal for poor performance of duties

*Start with a verbal warning*

Discuss with the employee:

- what is unsatisfactory about their performance
- how this can be improved
- a plan of corrective action which may include the need for extra training.

Ensure that the employee understands that failure to correct the problem will lead to dismissal.

Record details of this first warning, so there is a record of what was discussed and when. This may be required later if dismissal proceeds and an unfair dismissal complaint is lodged.

*Second warning*

If there is no improvement within the required timeframe, a second warning should be given, this time in writing.

- Specify what is required and by when.
- Keep a copy of this written warning, signed by the employee to acknowledge that they have received it.
**Final warning**

If there is still no improvement by the date specified, repeat the procedure of the second warning, but specify that failure to meet the required performance level by the required date will lead to dismissal.

If this process has been followed and the length of time allowed for the performance improvement has been reasonable, failure to comply with this final request can be reasonably followed by dismissal of the employee.

**Dismissal because of redundancy or retrenchment**

Conditions for dismissal for these reasons should be set out in the employee’s contract or workplace agreement.

**Prohibited grounds for dismissing employees**

An employee may not be dismissed because of any of the following.

- Race
- Colour
- Sex
- Sexual preference
- Age
- Physical or mental disability
- Marital status
- Family responsibilities
- Pregnancy
- Religion
- Political opinion
- National extraction
- Social origin
- Union membership (or non-membership)
- Temporary absence due to illness or injury