

CONTRACTOR PROTECT TELEPHONE

1300 366 134

TERMINATION CHECKLIST

CONTACT CONTRACTOR PROTECT FOR NO COST ADVICE/HELP

Employee:	Date effective:
Home or forwarding address:	
Termination considerations	
1. Consider the time and resources to replace and train a new employee. The termination should be treated as a last resort.	<input type="checkbox"/>
2. Consider whether you have a valid reason for dismissal and documents to support that reason.	<input type="checkbox"/>
3. Ensure you have appropriately managed any conduct and / or performance issues. Obtain the Performance Management Checklist from CONTRACTOR PROTECT	<input type="checkbox"/>
4. Check the termination of employment provisions in the employee's terms and conditions of employment (for example an applicable award, agreement, contract, or other industrial instrument). Ensure you comply with these provisions	<input type="checkbox"/>
5. Check whether you have a Termination Policy and make sure you comply with the procedures outlined in the policy when terminating the employee's employment. If the employee is being terminated for reason of redundancy: Obtain the Redundancy Checklist from CONTRACTOR PROTECT	<input type="checkbox"/>
6. Check what legislative provisions apply in relation to the termination.	<input type="checkbox"/>
7. Ensure the reason for dismissal is not unlawful or discriminatory.	<input type="checkbox"/>
8. Act fairly in conducting the dismissal.	<input type="checkbox"/>
9. Inform the employee of the meeting in advance and provide them with an opportunity to have a support person present.	<input type="checkbox"/>
10. Meet with the employee to discuss the reason(s) for the dismissal.	<input type="checkbox"/>
11. Allow the employee an opportunity to respond.	<input type="checkbox"/>
12. Discuss any prior warnings.	<input type="checkbox"/>
13. Inform the employee of the dismissal and the reason(s).	<input type="checkbox"/>

14.	Keep a record of the discussion with employee.	<input type="checkbox"/>
15.	Calculate the employee's payout entitlements as at the date the termination of employment will take effect and prepare a detailed statement to issue to the employee.	<input type="checkbox"/>
16.	<p>Notice: there are minimum notice requirements in the <i>Fair Work Act 2009</i> (Cth), which must be complied with. However, if the employee's contract of employment, applicable award or agreement provides a more generous notice entitlement, you should pay this higher amount.</p> <p>If the employee does not have an up-to-date contract of employment or if it does not expressly state the required notice period, a period of reasonable notice may be implied. This may be more than the minimum notice requirements in the <i>Fair Work Act 2009</i> (Cth). As such, you should seek CONTRACTOR PROTECT advice before terminating the employee's employment.</p>	<input type="checkbox"/>
17.	<p>Notify the employee of his/her termination in writing stating the reasons for the dismissal and their final date of employment. You should make sure these reasons do not expose your business to the risk of legal action. For example, the reasons should not be discriminatory or unlawful. If you are not sure how to word the termination letter contact: CONTRACTOR PROTECT</p>	<input type="checkbox"/>
18.	<p>Summary dismissal: if the conduct of the employee is wilful or deliberate behaviour that is inconsistent with the continuation of the contract of employment, it may be sufficiently serious to warrant summary dismissal. In circumstances of serious or wilful misconduct, an employer can dispense with notice and dismiss the employee instantly. [In such circumstances, check whether your business has a disciplinary policy and if so comply with it. Obtain the disciplinary policy from CONTRACTOR PROTECT – fee applies.</p> <p>Ensure the investigation process is conducted fairly and give the employee an opportunity to respond to the allegations.] If you are not sure whether the employee's actions warrant a summary dismissal, seek legal advice prior to terminating the employment.</p>	<input type="checkbox"/>
19.	<p>Payment in lieu of notice: if you are concerned about the employee remaining in the business during any relevant notice period, you may make a payment to them in lieu of notice if the employee's contract of employment, award or agreement, allows you to do so. Alternatively, you may have the employee work out their notice from their home if there is a provision to enable this in their terms of engagement (this is commonly known as placing the employee on gardening leave during their notice period).</p> <p>Contact CONTRACTOR PROTECT for a copy of the award.</p>	<input type="checkbox"/>

20.	<p>Notify other parties affected by the termination, (e.g. the employee's superannuation fund, workers' compensation and other insurers (where relevant), other employees and managers, payroll, key customers, security and IT etc).</p> <p><u>If the termination of the employee's employment is for performance or conduct related issues, keep the reasons for the termination confidential.</u></p>	<input type="checkbox"/>
21.	<p>Arrange the return of any property of the employer which is in the employee's custody, possession or control (e.g. company provided vehicle, mobile telephone, laptop, business cards, office keys, security passes etc.). Also, change any passwords and other security measures, which would allow the employee in question to continue to gain access to the business or its computer network.</p>	<input type="checkbox"/>
22.	<p>Provide a separation certificate; statement of service if required by an applicable award or agreement, or where requested by the employee. If the employee has requested a written reference, seek CONTRACTOR PROTECT advice before agreeing to this request.</p>	<input type="checkbox"/>
23.	<p>Small businesses should comply with the Small Business Fair Dismissal Code ('Code'). Contact CONTRACTOR PROTECT for a copy of the code.</p> <p>The Code currently applies to national-system employers that employ fewer than 15 employees (on a headcount basis). The Code Checklist will assist you to comply with the Code. If a small business employer can demonstrate compliance with the Code, the employee will be precluded from claiming they have been unfairly dismissed.</p>	<input type="checkbox"/>
Prior to departure:		
Termination/resignation documents received and placed on the employee's personnel file.		<input type="checkbox"/>
On departure: Complete a Property Return Checklist Contact CONTRACTOR PROTECT for a turn checklist		
On departure: Payroll and administration		
Advise Payroll/Accounts:		<input type="checkbox"/>
• Termination date		<input type="checkbox"/>
• Final pay		<input type="checkbox"/>
• Leave entitlement payout		<input type="checkbox"/>
• Summary of expenses		<input type="checkbox"/>
• Issue a Group Certificate to the relevant employee, within required time		<input type="checkbox"/>

period after the employee's employment ceases.	
<ul style="list-style-type: none"> Update the employee's employment records to record all details of the termination of the employee's employment. 	<input type="checkbox"/>
<ul style="list-style-type: none"> Other [insert relevant information] 	<input type="checkbox"/>

Date completed:

**Responsible Officer/Office
Manager/Human Resources Manager
Name:
Signature:**