



30th August 2011

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Hi Kathy!

Managing Terminations Effectively

One of the things all employers need to remember under the current legislation is that no matter how well you manage the termination of a worker you cannot deprive that worker of the right to take an unfair dismissal (UFD) against you.

Even under the most amicable of separations we have clients who receive UFD applications against them in Fair Work Australia because – in so many cases – the affable ex employee to your face is a very different animal once they are cut loose from your employ.

Remember that at the end of the day it's all about 'process' and paperwork. You have to be able to clearly demonstrate that you have dotted your I's and crossed your T's if you are going to build an effective case to refute these sorts of claims. There are examples every day of businesses – even with large HR Departments – who get it nearly right but make costly errors in process resulting, in some cases, with large payments to settle matters.

One of the first things that so many employers utilise poorly is the statutory period of time you have when employment commences, when you can terminate without fear or favour simply because the employee has no right to bring a UFD against your business. By now you should know that this is 12 months for a small business and 6 months for all other businesses – remember a 'small' business is one with less than 15 employees, more than 15 employees the legislation treats you in a different way.

Too often the duties of a position are either poorly specified or not specified at all with an employee except in the vaguest terms – whilst this may not be an issue when things are going smoothly the absence of these relatively simple documents can become a real can of

worms when performance and disciplinary issues raise their heads – as they do in all businesses from time to time.

So...what are some ground rules?

1. Utilise the first 6 and 12 months to evaluate an employee's performance and DON'T leave it to the last minute
2. Have a Job description Form (JDF) or Duty Statement that defines the role and responsibilities
3. Meet and discuss employee performance - even a simple chat over a coffee - to celebrate the positives DON'T just appraise when there's an issue
4. MAKE SURE you follow a proper process and keep notes of all meetings held with the worker
5. Do give employees a timeline to improve and spell out WHAT they have to do to attain a satisfactory standard
6. DON'T address these matters simply on a verbal basis when there are issues - the 'have a chat' is a waste of your time and theirs
7. Do have a disciplinary policy and Code of Conduct you can rely on
8. MAKE SURE your staff have read and understood your policies and performance expectations
9. DON'T play the game of 'guess what 's in my head' when it comes to duties and responsibilities, unless you potentially want to fork out big dollars when a dispute is on foot

Confused? - make sure you utilise your membership to get advice and support when you need it.

Best Regards

The Workwise Team

Policy and Procedures

***Does your business have a current set of customised Policy and Procedures which support your workplace??
Call us now for further information on how to obtain a current set of Foundation Policy and Procedures.***

Map Where you are at on our 'Best Practice Model'.

By now you should have received information about the first four stages of the model.

1. Time and Wages Compliance Audits

Are you confident that your payroll practices are compliant and in line with the applicable Modern or State Awards??

2. Employment Documentation

Do you have a clearly written and compliant employment agreement which stipulates your

employment arrangements and provides you with protections in relation to confidentiality and restraint of trade - to name but two areas.

[3. Policy and Procedures](#)

From a risk management perspective we encourage you to take a pro-active step and reassure yourself that there are no non compliant or discriminatory practices within your business.

[4. Job Description Forms](#)

A good JDF will illustrate clear performance and guidelines for that 'position' which should then eliminate issues within your workplace in regards to Performance and responsibility of any one of your employees within your business.



Time is running out - have you renewed your membership???



Have you forgotten to advise us of any changes - please let us know by emailing clientliaison@workwiseby.com.au so that we can update our records.

Seminars

Bunbury

Due to Popular Demand - 3rd seminar

Topic : The Model 'Work Health & Safety Act' (WHS)

Where: Small Business Centre

177 Spencer Street Bunbury

When: Wednesday 31st August 2011 - 6pm start

Please call [The Small Business Centre on 9791 2666](tel:97912666) for further details

SOLD OUT - ANOTHER DATE TO BE ADVISED

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