



Using the ERMS to terminate for misconduct

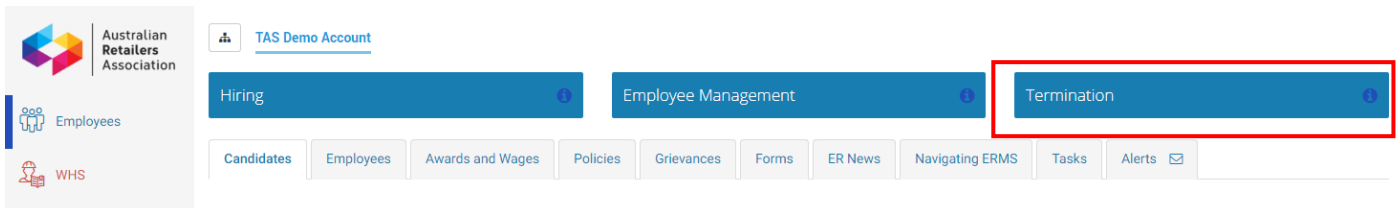
An employee's misconduct may constitute a valid reason for dismissal, for example, in cases of dishonesty, breaches of company policies, or failure to follow a lawful and reasonable direction. The ERMS is designed to ensure that you follow a consistent and best practice approach when faced with the challenge of having to terminate an employee for misconduct.

The ERMS is a valuable tool for helping you ensure procedural fairness in terminations with sufficient documentary evidence, especially if terminating outside of the relevant minimum employment period.

You can use the ERMS to create a unique record for the employee being terminated by documenting essential information such as the process followed, any past warnings provided to an employee, and the reason for termination.

To make use of the ERMS 'termination for misconduct' checklist, follow these essential steps:

1. Firstly you will need to log into your ERMS account and go to the tab titled '**Termination.**'



2. Select the option '**Dismissal by Employer for Cause.**'



Summary (Immediate) Dismissal by Employer

Use this option if the employee's performance or conduct has been so unacceptable that you wish to end their employment immediately.



Dismissal by Employer for Cause

Use this option for poor performance, unacceptable behaviour (which isn't serious enough to justify summary dismissal) or where the employee cannot perform their job for another reason.

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- The ERMS will direct you to commence the termination process.

Termination

×

Termination



Commence Termination Process

Use this option to commence the termination process for an employee.



Resume Termination Process

Use this option to resume a termination that's already in progress.
(55 in progress in this branch)

Cancel

- Select an employee by searching their name in the search bar, or if needed, you can add in a new employee by clicking '**Add Employee**' and entering the relevant details into the system.

Termination

×

Employee

Employee

Search

this branch only and its sub-branches current records only

Add Employee

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- Once you click on the employee's name, you will be able to commence the required steps. You will need to click on each step and either complete a series of questions, upload documents or create letters and documents that you can use during the termination process.

Dismissal by Employer for Cause
Ben James

This checklist is a simple process that will provide you with the tools, information and structure to follow when you need to terminate an employee's employment because of their poor performance, unsatisfactory conduct or where the employee cannot perform their job for another reason.

This checklist includes the ability to conduct a **pre-termination interview**, **dismiss the employee**, complete **post-dismissal documentation** and (if applicable) complete the **Small Business Fair Dismissal Code Checklist**.

[More Information](#)

Employee: Ben James /TAS Demo Account

Termination Notification Date:

Last Day at Work:

- When deciding to terminate an employee for misconduct, it is pertinent for you to consider whether the employee has been issued with a warning regarding their misconduct that has led to the decision to terminate the employee and whether the employee has been invited to the meeting and invited to bring a support person.

You can create an invitation template through item 3.01 of the checklist. To properly prepare for a termination meeting, we highly recommend that you should read and complete the 'Guide to Conducting and Recording a Termination Meeting' linked to item 4.01 on the checklist.

Checklist Item	Description
Contact your HR Advisor	1.01 Click 'Go' to confirm you have contacted your HR advisor prior to proceeding.
Deciding to Terminate	2.01 Info Have you issued the employee with a warning(s) regarding the employee's performance or misconduct that has led to the decision to terminate the employee?
	2.02 Depending on the severity of the employee's misconduct or poor performance, if you haven't issued any prior warnings you may wish to: <ul style="list-style-type: none"> Proceed to the Employee Management section on the homepage and select the Counsel the employee on poor performance or misconduct grounds. Proceed to the Termination section on the homepage and select Termination - Summary Dismissal. Info
Set Up Termination Meeting	3.01 Contact the employee and advise them that you wish to meet with them regarding their employment. Important: Advise the employee that they may bring a support person with them to the meeting. Info
Prepare for Termination Meeting	4.01 Confirm reasons for the termination and prepare for the Termination Meeting. Review the Guide to Conducting and Recording a Termination Meeting in preparation for the meeting. <ul style="list-style-type: none"> Guide to Conducting and Recording a Termination Meeting
	4.02 Collate all relevant information for the meeting, including employee performance history, warnings and other relevant information.

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7. Once you have conducted and recorded the termination meeting, you can create a document advising the employee of the decision to terminate at step 7.01 by selecting 'create.'

Decision to Terminate	6.01 Has the employer decided to terminate the employee?
	6.02 Proceed to the Employee Management section of the homepage to counsel and/or issue a warning to the employee where appropriate. Click "Go" to mark this checklist as Complete
Terminate the employee	7.01 Advise the employee of the employer's decision to terminate the employee's employment. Info
	7.02 Create a file note of the date the employee was advised that their employment was terminated. If posted, send by registered/express post and record the registered/express post number.

8. Once the termination is finalised, you should issue and upload necessary documents such as Centrelink Employment Separation Certificate and a Statement of Service. If you are a small business (employing less than 15 employees), you may also complete and upload the Small Business Fair Dismissal Code.

Post-termination documentation	8.01 Issue Centrelink Employment Separation Certificate Link to centrelink.gov.au
	8.02 Issue Statement of Service (Optional)
	8.03 Complete and upload the Small Business Fair Dismissal Code (Small business employers only) • Small Business Fair Dismissal Code 2011 Info

9. Once you have completed all the steps, you should click Complete to mark the employee record as terminated.

Termination outside the minimum employment period can be risky, however, following a best practice approach and keeping adequate records through an employment relations management system such as the ERMS will give your business peace of mind that you have reduced potential risks of unfair dismissal or a general protections claim.

For more information on how to get the most out of the ERMS or how to manage any termination process, please contact the ARA Employment Relations Advisory Team on 1300 368 041.

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