

Dismissal

Description:

This tool provides best practice guidelines on dismissing employees, a Risk Management Checklist and sample letters.

How it can be used:

One of the hardest situations for a health manager to face is that of dismissing an employee. However, in cases where an employee's poor work performance shows no substantial improvement, despite attempts to resolve the problem, or where an employee's actions are severe enough (e.g., theft, fraud, gross insubordination), dismissal may be the only solution to ensure that your organization continues to run smoothly and the care of your clients isn't compromised.

Use this tool to ensure that you are following best practices when dealing with a potential dismissal.

There are three essential steps for proper employment termination:

1. Ensure you are prepared with justifiable and documented reasons for the dismissal.
2. Explain the reasons for your decision to the employee and hear the employee's position.
3. After the meeting, provide your decision in writing to the employee.

Of course, it is not that simple; review the many elements within each of the three steps before moving forward.

Be Prepared

1. Consult with your Human Resources advisor in all cases of discipline or potential dismissal. They will advise on the best way to handle the particular situation, including documentation requirements and notice/severance requirements.
2. Adopt a progressive approach to discipline. The decision to use suspension or dismissal should never be taken lightly and must be carefully investigated before proceeding.
3. The employer is entitled to dismiss an employee for 'just cause' but the employer must prove incompetence or misconduct and not just dissatisfaction with performance.
4. Ensure you document any warnings or other disciplinary actions on the employee's file. Such documented evidence will be invaluable in supporting the organization's position of 'just cause'.
5. Prepare the letter of termination outlining any severance in advance. Consider what items the person may have in her or his personal possession that belong to the organization and make a list as a reminder of what to ask for before she/he leaves the premises.
6. Consider the timing, the space, and the language you want to use. Be aware of your own emotions and how your emotions may sway the conversation.
7. Plan for how and when you will inform your stakeholders, if relevant.
8. Plan for informing your employees shortly after the termination meeting to help reduce the 'rumour mill' distorting the facts.
9. Ensure you choose a location for the meeting that is private, where you will not be interrupted.

The Dismissal Meeting

1. If the conversation is difficult for you, it is appropriate to say so.
2. Be honest, clear and concise about the reason for termination; explain without giving excuses.
3. Concentrate on the documented facts of the situation.
4. Be respectful and allow time for the employee to process the information you have just shared.

5. Allow the employee to express emotions, without engaging in them.
6. If the employee is expected to leave the premises the day of your dismissal meeting, allow time for her/him to return any workplace items and pack personal belongings.
7. Have a box available for the employee's personal items. Provide for a cab home if they are too emotional to be able to drive safely.
8. Depending on the situation, if this is a person you would rehire in the future, let them know.
9. Choose your words carefully and ensure that your words, responses and body language do not convey negativity. Keep it professional.
10. If necessary, it is appropriate to find a coach to assist you with the process.
11. Do not take steps that would make the employee's job search more difficult, such as disparaging the employee to customers or potential other employers.

After the Dismissal Meeting

1. If offering a termination package which exceeds the statutory minimum payments, have the employee sign a Release Form. This protects the employer in the event that the employee has second thoughts about the severance package after being paid out.
2. Consider providing working notice instead of 'pay in lieu of notice' if you believe that the employee will still be able to function effectively after receiving notice that the job will be terminated.
3. If possible, provide career transition supports and personal emotional supports.
4. Make notes about your termination meeting and place them in the employee file. Include who attended, what was said, and the behaviours displayed.

RISK MANAGEMENT CHECKLISTS	Yes/No	Action
Checklist before a performance-related termination		
Is the employee's performance evaluated according to company's policy and procedures?		
Is the employee's performance below his peers with similar capacity?		
Has the employee been notified about poor performance in the past and been given sufficient time to improve performance?		
Has a performance-related disability been ruled out? Refer to your provincial regulations for more information related to rights and disabilities.		
Checklist before a discipline-related termination		
Is this a discipline issue, according to HR policy, that leads to termination of employment?		
Is there evidence to justify this as a discipline issue?		
Has the discipline issue been recorded in the employee's file?		
Was the employee issued multiple warning letters for the discipline issue?		
Has the employee requested any time off related to the relevant issues?		

If any answers to the above questions are NO, it would be wise to reconsider the termination, as there may be legal repercussions if the employee appeals.

There are many issues to consider once the decision to dismiss an employee has been made. If the organization has any doubts concerning the legality of the dismissal or the appropriateness of the termination package being offered to the employee, it should consider seeking legal advice prior to any final decisions being made.