Template 22 - Employer Fair Dismissal Checklist

To help guard against an unfair dismissal action, employers should use the following checklist prior to dismissing an employee.

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| UNFAIR DISMISSAL CHECKLIST | YES |
| Does the reason for the disciplinary action relate to the employee’s conduct or their capacity to do the job? |  |
| Has the employee been notified verbally or in writing of that reason? |  |
| Has the employer kept documentary evidence about the employee’s poor performance/conduct issues? |  |
| Has any complaint against the employee been investigated and validated? |  |
| Has the employee been given an opportunity to respond to the allegations of poor conduct? |  |
| Does the employee have a justifiable excuse for their conduct? |  |
| Was the employee been given the opportunity for a support person to be present during discussions with the employer? |  |
| Has the employer kept written notes on the discussions with the employee? |  |
| Following the warning, was the employee given a reasonable opportunity to remedy their poor performance/conduct? |  |
| Was the employee provided with instructions, training, etc to remedy their poor performance/conduct? |  |
| Has the employer receive a written warning prior to dismissal (small employers) |  |
| Has the employee received two written warnings prior to dismissal (large employers)? |  |
| Has the employee been informed that termination is being considered? |  |
| Has the employer considered the responses from the employee before terminating? |  |