

Small Business Fair Dismissal Code Checklist

It is in the interests of the employer to complete this checklist at the time of dismissal and to keep it in case of a future unfair dismissal claim. However, it is not a requirement of the Fair Dismissal Code that the checklist be completed.

1. How many employees are employed in the business? (Include full-time, part-time and regular long-term casual employees as well as the dismissed employee and any other employee dismissed at the same time).

- Under 15 employees
 15 employees or more

[If under 15 employees, the Fair Dismissal Code applies.]

2. Has the employee been employed in this business as a full-time, part-time or regular casual employee for 12 months or more?

- Yes
 No

[If no, the employee cannot make an unfair dismissal claim.]

3. Did you dismiss the employee because of genuine redundancy as set out in the Code?

- Yes
 No

If Yes, explain the reason for the redundancy (for example, economic downturn, introduction of new technology therefore requiring less staff, or another such reason)

4. Do any of the following statements apply?

I dismissed the employee because I believed on reasonable grounds that:

- | | YES | NO |
|---------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|
| a. The employee was stealing money or goods from the business. | <input type="checkbox"/> | <input type="checkbox"/> |
| b. The employee defrauded the business. | <input type="checkbox"/> | <input type="checkbox"/> |
| c. The employee threatened me or other employees, or clients, with violence, or actually carried out violence in the workplace. | <input type="checkbox"/> | <input type="checkbox"/> |
| d. The employee committed a serious breach of occupational health and safety procedures. | <input type="checkbox"/> | <input type="checkbox"/> |

5. Did you dismiss the employee for some other form of serious misconduct?

- Yes
- No

If Yes, what was the reason?

If you answered Yes to any question in parts 3, 4 or 5, you are not required to answer the following questions.

6. Did you dismiss the employee because of the employee's unsatisfactory conduct, performance or capacity to do the job?

- Yes
- No

If Yes

YES NO

a. Did you clearly warn the employee (either verbally or in writing) that the employee was not doing the job properly and would have to improve his or her conduct or performance, or otherwise be dismissed?	<input type="checkbox"/>	<input type="checkbox"/>
b. Did you provide the employee with a reasonable amount of time to improve his or her performance or conduct? If yes, how much time was given?	<input type="checkbox"/>	<input type="checkbox"/>
c. Did you offer to provide the employee with any training or opportunity to develop his or her skills?	<input type="checkbox"/>	<input type="checkbox"/>
d. Did the employee subsequently improve his or her performance or conduct?	<input type="checkbox"/>	<input type="checkbox"/>
e. Before you dismissed the employee, did you tell the employee the reason for the dismissal and give him or her an opportunity to respond?	<input type="checkbox"/>	<input type="checkbox"/>
f. Did you keep any records of warning(s) made to the employee or of discussions on how his or her conduct or performance could be improved? Please attach any supporting documentation.	<input type="checkbox"/>	<input type="checkbox"/>

7. Did you dismiss the employee for some other reason?

- Yes
- No

If Yes, what was the reason?



8. Did the employee voluntarily resign or abandon his or her employment?

Yes

No

If Yes, please provide details

DECLARATION

I declare that I believe every statement or response in this checklist to be true.

Signature _____

Date _____



