

# Serious Misconduct Dismissal Flowchart

## MANAGER IS INFORMED OF AN ALLEGATION OF SERIOUS MISCONDUCT

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### Identify the serious misconduct

- Seek legal advice.
- Identify exactly what the employee did that is potentially serious misconduct and the impact the misconduct has or could have on the business.

 **Stand Down Letter**

### Investigation

- Conduct an investigation with the employee to outline the allegations of serious misconduct, giving them an opportunity to respond.
- Decide on appropriate outcome.

 **Stand Down Letter**

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### Consider your options

Depending on the severity of the misconduct, you may choose to:

- Give the employee a written warning
- Dismiss the person with notice or pay in lieu of notice, or
- Summarily dismiss the person.

 **Invitation to attend disciplinary meeting**

 **Final Warning Letter**

2

### Discuss the misconduct with the employee

- Speak to the employee directly about the conduct to avoid making assumptions about the situation.
- Explain your intention in relation to continuing their employment.
- In any formal meeting, the employee should be allowed to be represented or accompanied by a support person.

 **Show Cause Letter**

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### Create your Letter of Termination of Employment

If the action/s by the employee warrant summary dismissal, create an appropriate termination of employment letter. While you do not need to provide the employee with notice of termination for serious misconduct, you should advise the employee in writing that their termination has ceased, effective immediately.

The following should be included in the termination letter:


- The reasons for the termination of the employment,
- When the employment will end, and
- That some termination payments may result in waiting periods for Centrelink payments.

 **Termination Letter (Serious Misconduct)**

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### Meet with the employee to provide the Letter of Termination of Employment

- The reasons for the termination of employment should be explained to the employee verbally and they should be provided with the opportunity to ask questions.
- It is important to explain the information in the letter of termination of employment and ensure that the employee understands.
- You should keep a copy of the letter of termination of employment for your records.

 **Termination Letter (Serious Misconduct)**

 **Post Employment Obligations Letter**

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