

Letter of termination of employment (summary dismissal – serious misconduct) template

You can use this template when terminating an employee's employment for serious misconduct.

Generally, employers must not terminate an employee's employment unless the employer has given the employee written notice of the day of the termination of the employment (which cannot be before the day the notice is given). The written notice should specify the period of notice given (or payment in lieu of notice if the employee is not required to work the notice period) and the date the employment will end.

Summary dismissal for serious misconduct has immediate effect. It is a severe step to terminate an employee's employment without providing notice of termination (or payment in lieu of notice), so you may wish to seek legal advice about the matter before taking action.

Examples of serious misconduct are available on our website at www.fairwork.gov.au.

Are you a small business owner?

If you operate a small business it is important that you follow the [Small Business Fair Dismissal Code](#) when terminating an employee's employment. Find out more in the Termination section at www.fairwork.gov.au/Termination.

Suggested steps for preparing a letter of termination for summary dismissal

Before making a definite decision to summarily dismiss an employee because of serious misconduct, you may wish to follow the steps below.

For more information on unfair dismissal, visit www.fairwork.gov.au.

If at any time you need more information or assistance, call the Fair Work Infoline on 13 13 94 or visit www.fairwork.gov.au.

Step 1: Identify the serious misconduct and consider seeking legal advice

Identify exactly what the employee did that was unacceptable and the impact the misconduct had on the business. Dismissing an employee without notice of termination is a serious step, so you may wish to seek legal advice about the matter before taking any action.

Step 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. When reviewing unfair dismissal claims, the Fair Work Commission may consider whether an employer unreasonably refused to allow an employee to have a support person at any discussion relating to their dismissal.

You should keep a record of any meetings that you have with employees about their conduct. You may wish to use our [Recording details of a meeting template](#) to do this – available in the Templates section at www.fairwork.gov.au/templates.

Step 3: 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.

However, you may wish to seek legal advice about the matter before taking any action.

Step 4: Create your letter of termination of employment

If the employee's action was serious misconduct that warrants 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, it is best practice to provide written confirmation that you are ending their employment.

Ensure you include in the letter:

- the reasons for the termination of the employment, and
- when the employment will end.

This letter of termination template has been colour coded to assist you to complete it accurately. You simply need to replace the red < > writing with what applies to your employee and situation. Explanatory information is shown in blue italics to assist you and should be deleted once you have finished the letter.

Step 5: 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 he or she 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.

Important: An employee may choose to submit a complaint or claim against you (e.g. unfair dismissal, discrimination) even if you follow these steps.