

Firing with sensitivity.

Firing / dismissing / terminating – whatever you call it, it's unpleasant. It's unpleasant for the person doing the firing but it's doubly as unpleasant for the person being fired. For them it's a scary, life-altering moment.

If you're in the unfortunate of position doing the firing, remember it's likely to be a day they will never forget. It's imperative that, when they look back, they remember you delivered the news with sensitivity and compassion. Of course it's also important that you protect your employer's financial and legal interests.

How to do it.

You've got to do it in person – there is no other way. The person needs to see your face, read your body language, and understand that you have empathy and are sincere in helping them move on in a positive way.

When to do it.

This will depend on whether they are being fired after warnings or if they are being let go because of redundancy.

If they are being fired after repeated warnings it should be immediately after the final warning. This obviously will depend on what time of the day the third incident happened.

If you are retrenching someone you should sit down with them as soon as you are aware that there needs to be retrenchments.

Be prepared.

When you need to have a tense conversation, don't try to wing it. You can't know how the discussion will go, so think through a few possible scenarios ahead of time.

What if your counterpart gets upset and cries? What if they get angry? What if you get interrupted, or need to finish the conversation quickly?

Of course, you can't write a script for every eventuality, but considering as many of them as possible will help make sure you don't get blindsided and lose your cool. You might also want to find a trusted colleague with whom you can role-play some scenarios. Try different approaches, and test out phrases you might use for various possibilities. Then ask your role-play partner to give you feedback.

It's about clarity.

Don't beat around the bush or try to make small talk at the outset. It should be clear what's happening after the very first sentence.

Be very clear that they are being dismissed. The decision has been made, don't enter discussion about alternatives. Ask for any questions when you are finished explaining your part, and stay to answer as many questions as they have.

Do they go or do they stay?

There is no right nor wrong answer as to how long you allow the person to stay or go. It depends on many circumstances starting with the reason for their dismissal and their role in the business.

While we've not had to fire many employees, we always gave designers the chance to work out two weeks notice or leave straight away. All chose to leave and use the (notice) time to seek another position.

The studio.

In many cases, and especially in a small studio, it won't come as a surprise that a problematic person has been dismissed.

Depending on the circumstances of the firing, it may be appropriate to give the ex-employee time to say goodbye to their team. At this stage it's about what's right for the team.

Checklist.

In Australia, under the Fair Work legislation, if the manner in which an employee is dismissed is considered to be 'harsh, unjust or unreasonable' then they can be granted up to six months pay by the Fair Work Commission.

The next page contains a basic checklist of employer commitments. More detail can be found on the [Fair Work Commission](http://www.fairwork.gov.au) website.

Checklist.

1. Give warning.

There are few situations where you can sack an employee on the spot. Employees must have clear performance targets that are fair and achievable. If an employee is struggling to meet the targets, an employer must provide constructive criticism.

If they continue to under-perform, a warning is the first step towards dismissal but contrary to common opinion, there is no legal requirement to give three warnings before dismissal. Instead, there should be a clear track record of trying to help an employee improve their performance.

2. Give opportunity to respond.

Always give employees an opportunity to respond to an allegation.

It's always better to sit down and talk, supported with documented evidence. Let them know that the situation can be turned around with some measurable goals being met within a certain time-frame. Give the employee the opportunity to consider them and give them the opportunity to respond, either in writing or at a formal meeting.

3. Performance not personality.

Under-performing, or employees that act inappropriately, can be dismissed but you can't fire a staff member because they are unpopular.

It's important to keep personality out of what will always be an unpleasant activity. Use facts rather than feelings. Avoid being over emotional.

4. Don't go alone.

The Australian Fair Work Act allows a support person to be involved in all termination discussions, in fact it's an element of procedural fairness. It can be difficult in a micro business but it's important to give an employee the opportunity to have a third party involved.

This conversation could be difficult for a number of reasons, both for the manager or the person getting fired – so it's useful to have an advocate who can buffer any difficult conversations, explain benefits, and keep the conversation focused on next steps.

5. Document everything.

Protecting yourself and your employer is important. You need to document performance or behaviour problems. Even if conversations are face-to-face, send a summary email.

6. Plan ahead.

It is important to plan the logistics of firing someone.

The separation details (e.g., today is your last day, this is your severance package, we'll do everything we can to support you, etc.) should not take long to explain – try to outline the details in full before giving them an opportunity to speak.

Outline what's required before you pay any severance (wages/holiday pay/superannuation). This varies, but often includes returning company property and signing a termination agreement. It is also a good time to clarify any confidentiality agreements.

7. IT security.

In a world of telecommuting it's important to make sure passwords/log ins are deactivated so there is no remote access to company or client files.

You will also need to have the person's email forwarded to you or someone else on the team for a while so nothing slips through the cracks.