

WHAT TO DO IF YOU NEED TO FIRE SOMEONE AND 7 COMMON THINGS THAT CAN GO WRONG

FIRING SOMEONE IS ALWAYS DIFFICULT AND FREQUENTLY STRESSFUL. SOME USEFUL ADVICE WHAT TO DO AND THE SEVEN MOST COMMON MISTAKES TO AVOID.

10 MINS READING TIME

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One of the most challenging tasks any HR professional ever has to do is fire someone. It is always difficult and frequently stressful. Not just because of the human drama and emotions but the fact that you need to make sure you are on the right side of the law. If not done correctly you can face potential litigation from the worker leaving the business.

Above all it is essential that you have a clear process to follow and that you are fully prepared. This article is intended to help you approach this in a measured and controlled manner to make sure you do it properly, professionally and smoothly.

The first thing is to never try to hurry the process. Firing someone is stressful for all concerned but it would be a big mistake to do it as quickly as possible simply to get it over with. You are far more likely to miss something and mistakes at this point are often hard to rectify and sometimes expensive.

BEFORE THE TERMINATION

Review the Employees files and gather any documents relating to their obligations. Take copies of them and give them to the departing colleague. This could be things like confidentiality or non-competition agreements. Or it could be copies of relevant company policies that have previously been issued to them. Giving them a copy will show the level of personal consideration you have put into the termination and will also remind them of their obligations post-termination.

Have a checklist to make sure that all necessary steps have been covered. Here are some [documents we have created that you can freely download](#).

- [Leavers Checklist](#)
- [Termination Checksheet](#)
- [Termination Outline Summary](#)

Choose the best location and time for the termination meeting. The best time to meet as near the end of the working day, and allow enough time for you to cover everything. It is always best to conduct the meeting in a neutral space like a meeting room or conference room. Make sure that you have privacy and will not be disturbed. Having a neutral space reduces the likelihood of heated exchanges. It also makes it easy for you to walk out of the room if things get too heated. Much easier than trying to make them leave your office.

If the colleague needs to have a support person present then make appropriate arrangements in advance. That person could be a translator, a support worker or trades union representative. Whether or not they are permitted to have someone present will depend on your local laws.

DURING THE TERMINATION

It is important that you clearly state that the colleague's employment is being terminated. Also specifically indicate the reasons for this. It might be obvious but lack of clarity on this can be one of the easiest mistakes to make, especially if you have not had to fire someone before.

It is easy to lose sight of certain important tasks when everyone is under stress. Make sure that you have your checklist of things to do. This will help both sides stay calm and show that you are handling the situation in a methodical and professional manner. It will also help you stay legal and illustrate that you are making the best decisions for the benefit of the business.

One of your aims at the termination meeting is to arrange the return of company property. Things such as phones, laptops, keys and vehicles are obvious. But it is easy to overlook things like documents. Ask if the departing colleague has any company documents or property at home. If so, then make an arrangement to have them collected or returned. One thing that is often forgotten is emails. Ask them if they have emailed any company or customer documents to themselves. If they have then ask them to confirm that they will delete them.

If they have computer access to systems then ensure it is blocked. Make sure that their email access is revoked and incoming emails are directed to the appropriate person. The best time to do this is during the termination meeting. It is important that you co-ordinate with the IT department to do this. If there is remote access then that needs to be addressed at the same time. Also do not forget that they may have access to some third party or customer systems and they should be blocked similarly. Explain to your departing colleague that their computer access has been blocked. Reassure them that you will work with them to retrieve any personal information they have on their work computer.

If the departing colleague raises concerns about discrimination, bias or retaliation and wishes to voice a grievance, do not dismiss them. Ask them to explain everything and make detailed notes documenting their grievance. Tell them that you will make sure that their concerns are investigated. Tell them that it does not affect the dismissal and that the company decision is final. After the meeting investigate if their concerns have any merit and document your investigations. If there is any indication that their concerns had any foundation seek legal advice.

AFTER THE TERMINATION

If the colleague has any personal items, then make an arrangement for them to be returned. There may be personal items in their office or in a changing room or locker. There may be things in the office kitchen or similar shared spaces. Have a clear plan on how these items will be collected or returned. It could be that you (or someone) will walk them back to their desk straight after the termination meeting. Alternatively, there could be an arrangement to make a collection outside of working hours.

Make sure that you hand them a formal letter of termination. This should clearly state that their employment is terminated and the date. It should also remind them of their continued obligations as set out in their contract of employment and other company documents. In the UK you are legally obliged to give written reason for the termination. Check with your local laws. It is

probably best that you hand the letter to them in person and have them read it in front of you. Document that they have done so.

Give the departing colleague their final pay. Of course, you will have calculated this in advance and will be up to date with respect to the termination date on the letter you just handed them. Make sure this payment is correct regarding their terms and conditions and covers unused vacation time and sick leave. If at all possible, endeavour to make this in the form of a cheque and include a letter with the details of how it was calculated.

After their departure notify the relevant staff and update the HR Records.

SEVEN COMMON MISTAKES TO AVOID

The situation is stressful for all concerned and it is easy to make mistakes or omit something. Here are some of the most common things that can go wrong. Avoiding these mistakes is key to behaving professionally.

- 1. Lack of Professionalism:** You fail to treat them as departing colleagues and they may feel you are treating them with insufficient consideration. Even if they have been in gross violation of some company policy it is always best to be calm and professional in your manner. How you treat a terminated employee will be judged by the remaining employees. Respect the fact that they have previously contributed to the success of the business in some way and ensure that their departure is done with dignity and fairness. It will not exactly make you feel all toastie inside but you will know you are doing the right thing in the right way.
- 2. Failing to follow Procedure:** You fail to follow the correct procedure. If there is a process that the company has consistently followed previously then do that, especially if it is a documented procedure. It is important to be consistent and failure to do so could result in legal issues.
- 3. Unclear Communication:** You are not honest and clear in the termination process. Be clear and straightforward in explaining the reasons for the termination and the process you are following. Do not exaggerate or be vague in your reasoning. Lack of clarity could be interpreted as lack of validity and any competent lawyer could make that very difficult for you.
- 4. Poor Documentation:** You fail to document things properly. Make plenty of notes during the meeting. Immediately after the meeting read and review your notes clarifying and ensuring that any noted actions are carried out. The quality of your documentation is the bedrock you will need to stand on if the termination becomes a legal matter.
- 5. Failure of Morale:** When someone has their employment terminated it can have a negative effect on the remaining team members. Failure to monitor that and take any action needed to support the morale of the remaining team could have long term consequences.
- 6. Failure to Reflect:** Take time to review and reflect on how the process went. Failure to do this could mean that no lessons are learned. Whereas, there are almost always lessons and most processes can be improved.
- 7. Inaction:** You fail to take action. There is an old saying: "You should never regret the things you did - You should only regret the things you didn't do". You might have good reason to terminate someone and be clear that it would be beneficial for the business for them

to go. Always remember that if they are performing poorly or are dragging down other employees it could be affecting the morale and performance of other members of the team.

CONCLUSION

Handling employee terminations is inherently challenging, but with a structured and empathetic approach, you can navigate the process effectively. By adhering to legal requirements and best practices, you can ensure a respectful and compliant termination process that protects both the company and the departing employee.

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