



How to dismiss an employee

Matthew Wall, The Sunday Times

These days you need a reason to sack workers

1. WHEN Kelvin MacKenzie, former editor of The Sun, found the newspaper's astrologer had been recycling his predictions, he sacked him with a letter that began: "As you will no doubt have foreseen..."
2. Not surprisingly, this brutal approach to firing staff is not recommended by the Chartered Institute of Personnel and Development. Nor is sacking people by text message, used notoriously last year by Accident Group, a personal-injury claims firm.
3. "Letting people go" is a tricky and unpleasant business at the best of times, but if you don't get it right you could find yourself at an employment tribunal facing a charge of unfair dismissal. And if the employee argues successfully that the dismissal was discriminatory on the grounds of sex, race, disability or religion, your company could face an unlimited claim for compensation. You also run the risk of a disgruntled former employee sabotaging your company, stealing secrets or damaging property. Then there is the effect on the morale of staff who have survived the chop.
4. So under what circumstances can you fire someone? Employment law states that you can sack someone fairly only if they have become redundant, have shown themselves to be incapable of doing the job properly, are guilty of gross misconduct, or have done something else substantially wrong. In other words, you have to show that you have acted reasonably and that you followed the right procedures. For example, redundancy is a specific term meaning that an employee's role has ceased. A company cannot make a person redundant and then employ someone else to fill the same role.
5. If redundancy is not the issue and you simply want to get rid of people because they are not up to the job, the ease with which you can do it depends on how well you have prepared the ground. Partridge said: "Probationary periods are very useful for getting rid of staff who don't come up to scratch. As soon as a problem arises you should let the employee know why you are unhappy." Rebecca Clarke, adviser with the Chartered Institute of Personnel and Development, said: "You need to have a disciplinary procedure in place involving verbal or written warnings. If someone isn't performing, there could be genuine reasons. Do they really know what's expected of them? Managers should remember that the aim of any disciplinary process is improvement — dismissal should be a last resort." But the bottom line is, the better your appraisal and disciplinary procedures, the less likely it is that an employee will be able to make a successful claim for unfair dismissal.
6. Another problem is that businesses often want to fire staff quickly to minimise the risk of confidential information being passed to competitors. It has been known for companies to fill bin bags with staff possessions and drop them out of office windows because they have been so concerned about sabotage." The danger with this extreme approach is that it can exacerbate the sense of shock, anger and resentment felt by staff and make trouble even more likely. Most experts agree that firing staff shouldn't be done in the heat of the moment. It takes planning and co-ordination.

Exercises

Based on paragraphs 1-3, write one or two sentences under the following headings:

1. Examples of unacceptable methods of dismissal
2. Consequences of poorly handled dismissals
3. Explain the required legal basis for redundancy mentioned in paragraph 4
4. How should managers best handle under-achieving probationers (paragraph 5)
5. What is the conclusion drawn in paragraph 6?
6. As a manager of the future, is there anything you would add to these helpful hints? Is there anything you disagree with? What do you think of the article from an employee's perspective?