**TERMINATION - MISCONDUCT**

Before terminating an employee there may be factors you have not considered that could result in liability. Please contact our Workplace Relations Advice Line in the first instance on 03 8662 5222 for advice and assistance with this process.

The following letter template should be used as a guide only. Any wording changes, other than those to insert a business name, may change the context, meaning or purpose of the policy. We recommend you receive advice from the Victorian Chamber of Commerce and Industry prior to making such changes.

## Contacting the Victorian Chamber of Commerce and Industry

The Victorian Chamber’s team of experienced workplace relations advisors can assist members with a range of employment, human resources and industrial relations issues.

Our experienced workplace relations consultants can also provide assistance to both members and non-members on a range of more complex matters for a fee-for-service. The consultants can, among other things, provide training to employees, conduct investigations and provide representation at proceedings at the Fair Work Commission.

For assistance or more information, please contact the Workplace Relations Advice Line on (03) 8662 5222.

Disclaimer

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[INSERT DATE]

PRIVATE AND CONFIDENTIAL

[NAME]

[STREET ADDRESS]

[SUBURB] [STATE] [POSTCODE]

DEAR [NAME],

Confirmation of the termination of your employment

I refer to our meeting on [INSERT DATE] between [INSERT ATTENDEES], which was held to discuss matters relating to your unacceptable conduct.

This meeting discussed your unacceptable conduct/behaviour that occurred on [INSERT DATE] of which the following occurred [INCLUDE ALL DETAILS OF INVESTIGATION AND INCIDENT E.G. DATE, DESCRIPTION OF WHAT OCCURRED, CONSEQUENCES E.G. SAFETY RISK, COMPANY POLICIES/PROCEDURES BREACHED].

You were provided with the opportunity to provide your account of the situation.

Further to our meeting on [INSERT DATE], I have carefully considered your response to the issues and write to confirm my decision.

As previously advised to you, the behaviour/incident described above constitutes misconduct of which termination of employment may result due to the nature of the matter.

After consideration of all matters, I have determined that your employment is terminated with notice. You are provided with all other accrued and owed entitlements.

Please find attached the details of your final payment, which includes:

* all salary up to **[INSERT TERMINATION DATE]**
* all accrued annual **[AND LONG SERVICE IF RELEVANT]** leave entitlements
* **[THE RELEVANT WEEK’S]** pay in lieu of notice **[DEPENDANT ON AWARD/NES/CONTRACT]**

Your final payment will be transferred into your bank account by COB [INSERT DATE].

IF RELEVANT - We take this opportunity to remind you of the obligations and undertakings on your part regarding confidentiality and the return of [INSERT COMPANY NAME PROPERTY]. Please ensure you return all [INSERT COMPANY NAME] property by [INSERT DATE].

Yours sincerely,

[MANAGER NAME]

[MANAGER TITLE]