# Warning First and Final within Probation

This template warning should be used when an employee’s performance or conduct is lacking within his or her **probationary period** and you are considering termination **within this period.**

An employee’s probationary period should reflect the minimum employment period prescribed in the Fair Work Act. This is ordinarily **6 months**, but extends to **12 months in the case of small business** (those that employ fewer than 15 people).

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 OF EMPLOYEE]**

**[POSITION TITLE]**

Dear **[NAME]**

Your probation period with **[INSERT BUSINESS NAME]** is due to end on **[INSERT DATE].**

The intent of this letter is to inform you that your **PERFORMANCE AND/OR CONDUCT** has not been satisfactory for the reasons indicated below and to provide you with an opportunity to correct this situation.

* **[OUTLINE, BRIEFLY, THE PERFORMANCE AND/OR CONDUCT ISSUES HERE]**
* **[OUTLINE, BRIEFLY, THE SPECIFIC ACTIONS(S) THE EMPLOYEE NEEDS TO TAKE IN ORDER TO IMPROVE]**

This is final warning letter. If a significant improvement in your performance and/or conduct is not achieved by **[INSERT DATE]**, your employment will be terminated.

Signed: Date:

*(Employer)*

Signed: Date:

 *(Witness)*

Signed: Date:

 *(Employee)*

**IF THE EMPLOYEE REFUSES TO SIGN THIS WARNING, THEN PRINT “EMPLOYEE REFUSED TO SIGN.”**