Formal warning letter

This precedent has been authored for LexisNex
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This document is part of a LexisNexis suite of E
of Specialist Editor **Justine Turnbull, Partner,**

This precedent is current to **7 May 2014**.

Introductory note

Terminating employment due to poor perfo
with litigation risk. Every employer should t
manage poor performance in the workplace
in a Human Resources Policy which includ
employees.

Given the high risk that an employee termi
is very important that the entire process is
can be used by the employer as evidence

What constitutes poor performance

In Australia, underperformance (or as it is c
form of unsatisfactory work performance, n
disruptive or negative behaviour.

Underperformance is not to be confused w
"bad" behaviour such as theft or assault an

Relevance of unfair dismissal

When considering whether to terminate the
of the laws relating to unfair dismissal and
fall foul of these laws.

For example, where an employee has the r
Act 2009 (Cth), the employee can allege, a
to inadequate provision of warnings, insuffi
behaviour, or that there was no valid reaso

When using this precedent

It is a myth that an employer must give an
performance. Each circumstance is differer
depend on the nature of underperformance
employee to address it.

In the case of an employee who has comm
are required before dismissal. See the sepa
notice for serious misconduct.

It is important that a formal warning letter s
underperformance and the steps to be take

See also the separate precedent final warn