

So You Have To Fire Someone. Now What?

While firing people on TV seems to be fairly easy, terminating somebody for real can be one of the most difficult things a manager has to do. Firing an employee is never easy but a few simple things can make it go more smoothly while at the same time help to shield your organization from potential legal action.

There are at least two very critical overriding issues in a termination:

- **BE PREPARED**
- **TERMINATE THE EMPLOYEE, NOT HIS/HER DIGNITY**

The termination process should include:

- **Thorough Review of Past Actions.** Preparing for a termination may take hours. Conducting the actual termination should take a few minutes.
 - **Careful Review Of Documentation.** Have the problems been well documented? Does the performance appraisal support the termination? Have you reviewed the employee's work history?
 - **A Consistency Check.** Have performance and behavior standards been consistently applied to all similarly situated employees? Have other employees with similar performance records been terminated?
 - **A Procedures' Check.** Have your corrective action procedures been followed?
 - **An Inspection For Red Flags.** Is there a possibility that a discrimination charge could be made or that the employee's rights could have been violated in any way? Could it even appear that improper action was taken or that your actions could be misinterpreted?
 - **Job Relatedness Hurdle.** Could you justify your actions and provide good evidence that your actions are job-related and driven by business need?
 - **Sign Off By The HR Folks.** Human resources and/or other appropriate managers should review and approve all terminations. Don't terminate "on the spot." If you're unsure about a termination, consult with legal counsel before, not after the firing.
- **Sound Meeting Preparation**
 - **Practice Your Lines.** Think about what you will say. It may be helpful to write down a few sentences or phrases to get you started and keep you on track. Practicing your lines with your mirror or dog may not be a bad idea either.
 - **Make An Outline.** Make a list of the points to cover. Given the stress of the situation you're likely to forget things.
 - **Pick A Good Time.** Pick a time and day when the firing will be the least disruptive and least embarrassing to the employee.

- **Choose A Proper Place.** The meeting place should be private where you won't be interrupted and also from which an employee can make a discreet exit.
- **Have A Second Person Present.** Having more than one company representative present, even one who says very little, is helpful in keeping things calm, acting as a witness, and conveying authority behind the termination is a good practice.
- **Review Your Reference, Final Pay And Benefits Procedures.**
- **Exit Plans.** Consider when you'll end the employee's access to computer files and other equipment. Think about how the employee should clean out his/her things and exit the premises.
- **What To Say**
 - Maintain the employee's dignity. More lawsuits are probably about perceived poor or rude treatment rather than about actual discrimination.
 - Make it brief. The entire meeting should be no more than 10-15 minutes.
 - Convey your termination decision at the beginning of the meeting, no longer than 1 or 2 minutes into the meeting.
 - Orally communicate the reason for the discharge (most employers do not and should not provide a written copy of the reasons). Be objective, discuss only verifiable facts, and give the real reason for the firing. If the position is not being eliminated or the company downsizing, don't say that it is. Make your explanation short. The less said the better. Managers who say too much risk misstating facts, confusing the issue, and causing potential problems down the road.
 - Don't discuss past performance in detail. This isn't a performance review.
 - Don't argue or debate the termination. It's important to convey at the beginning that the decision has been made and is final.
 - Avoid accusations of performance or moral failures or finger pointing.
 - Be calm, professional, and respectful.
 - Anticipate questions. Let the employee express himself/herself.
 - Expect emotion. How would you respond to anger or tears?
 - Communicate the next steps including: the final paycheck, any benefits continuation, possible severance and release, return of company property, etc.
 - Conclude positively. (At least as positively as you can, e.g., "We're sorry your employment ended this way. Good luck in your future.")
- **Document!** Record what happened at the meeting. Remember that what you document can and will be used against you.

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