



# How to avoid Unfair Dismissal Claims

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A WEBINAR FOR EMPLOYERS



# Agenda for today's webinar

## 1. Understand where businesses have gone wrong in the past

- Dealing with emotions
- Reality versus expectations
- Having no or incorrect process in place

## 2. What is the difference between unfair and unlawful

- What is considered to be unfair
- What is considered to be unlawful
- Understanding the consequences

## 3. How to prevent the high costs of unfair dismissals

- Understanding the correct process
- How to implement this process into your business
- The importance of getting professional advice

## 4. The importance understanding compliance

- How to educate the Business Owner
- How to educate your Managers
- How to educate your Staff

## 5. The benefits to you and your team by following the correct process

- You don't damage your business internally and externally
- Better employee engagement
- You focus on what you do best!

With over 12 years of experience in business, **Colin** has helped many small-to-medium businesses achieve their desired growth by incorporating different aspects of business improvement solutions across Human Resources, Sales, and Strategy.



**Colin Wilson Director KBA**



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Allyson has a wealth of knowledge for Human Resources with an extensive background in the Health Care, Construction and Automotive industry. She is driven to help her clients by carefully listening to their needs and working closely with the team to help achieve business goals and positive outcomes.

### **Specialised areas:**

Unfair Dismissal Claims, Recruitment & People Management, Terminations & Redundancies

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**Allyson Fletcher, HR Advisor**





**Business Advice & Strategy**



**HR Advice & Support**



**Professional Sales Training**



Our **Mission** is to take businesses  
from 'Good to Great'

Our **Purpose** is to take customers on  
a journey to help them improve their  
business through all aspects of  
employee engagement and  
performance

“

## Mission & Purpose





**TOPIC 1**

**Understand where businesses have gone wrong in the past**

# Dealing with emotions

## Key Points:

### What to avoid?

- Don't make things personal
- Different personality clashes
- The blame game
- Not following the right process
- Lack of record keeping
- Not managing effectively
- Taking sides
- Making assumptions/not getting the full story





# Reality versus expectations

## Key Points:

### Common Mistakes

- Not having the right policies/procedures in place
- Not having correct Position Description
- Lack of one-on-one performance conversations
- Mixed messages for the individual
- Moving the goal post
- Lack of clarity
- Lack of buy-in



## Having no or incorrect processes in place

### Key Points:

### Common mistakes:

- No grievance procedure
- No guidelines to follow
- Lack of experience in this area
- Lack of training and understanding how mistakes can happen
- Digging yourself deeper and deeper without a process in place
- Emotions take over reality
- Leads to a bad ending for the employer and the employee





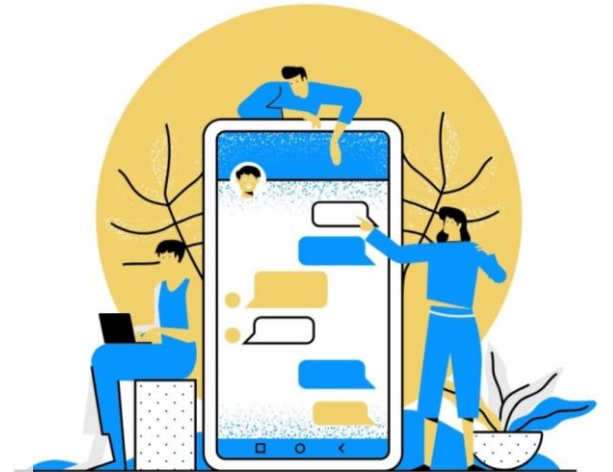
**TOPIC 2**

**What is the difference between unfair and unlawful**

# What is considered to be unfair

## Key Points:

- Change of KPIs without consultation
- Unreasonable work expectations
- Expected to work longer hours than contracted for, as well as not following the correct Award/EBA rules
- Forced resignation over redundancy
- Not enough time given to meet the expectation of the manager/business
- No performance plan in place that articulates expectations
- No previous warnings given
- Putting a staff member in undue stress



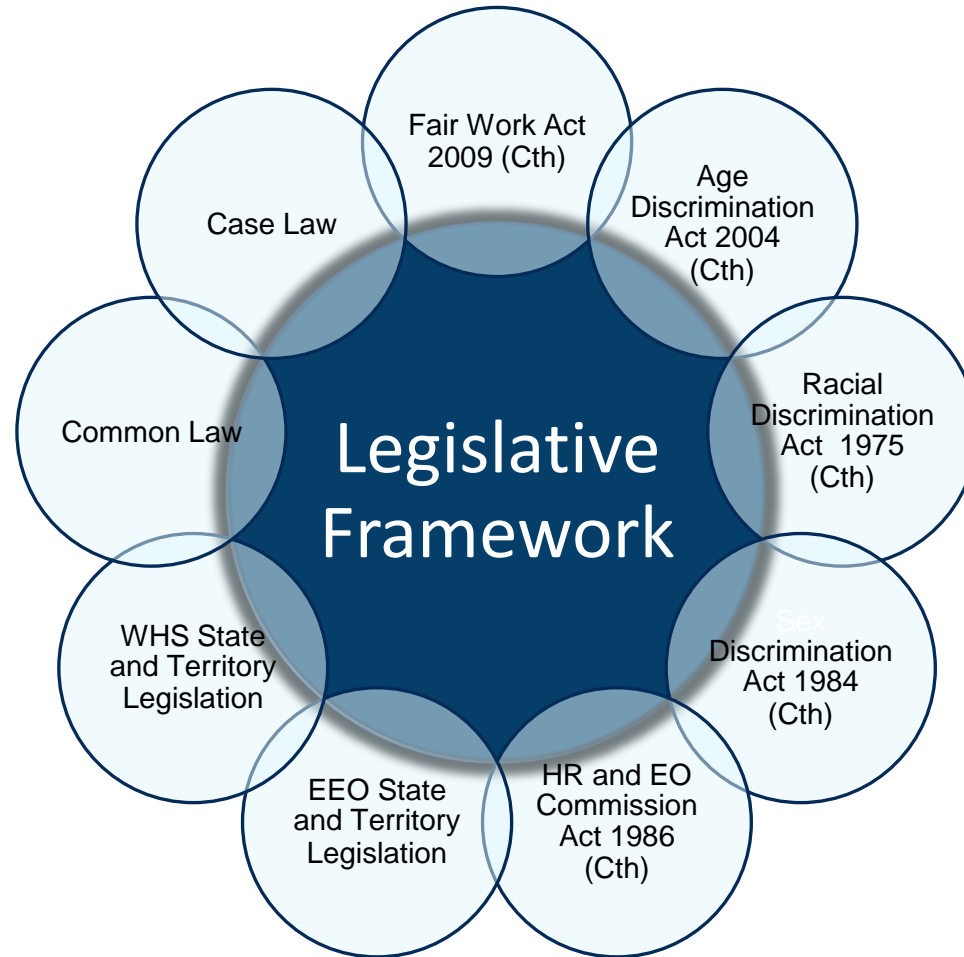
# What is considered to be unlawful

## Key Points:

- Discrimination, e.g. sex, gender, marriage status, etc
- General protections, e.g. sick leave, maternity leave
- Being terminated because you are or refuse to be a member of a union
- Filing a complaint against the employer and terminated as a result
- Dictating the outcome for the employee
- Making false allegations (not following the correct process)



# The Framework



## Understanding the consequences



### The Fair Work Ombudsman

They enforce compliance with the Fair Work Act, related legislation, awards and registered agreements. They help employers and employees by providing advice and education on pay rates and workplace conditions.

## Understanding the consequences



FAIR WORK COMMISSION

AUSTRALIA'S NATIONAL WORKPLACE RELATIONS TRIBUNAL

### The Commission

The Commission is the independent national workplace relations tribunal. It is responsible for maintaining a safety net of minimum wages and employment conditions, as well as a range of other workplace functions and regulation.





TOPIC 3

**How to prevent the high costs of unfair dismissals**

## Understanding the correct process

### Key Points:

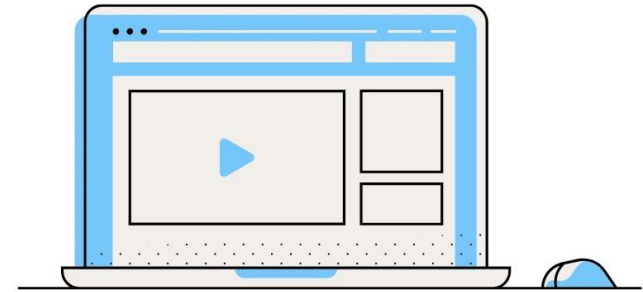
- Get the right advice from the professionals
- Follow the guidelines as per Fair Work Ombudsman
- Make sure the correct policies and procedures are in place and followed
- Make sure the policies and procedures are up-to-date and employees understand them
- Don't take things personally and react emotionally
- Do your due diligence first before you act
- Make sure everything is well-documented



## How to implement this process into your business

### Key Points:

- Implement policies and procedures and workshop to employees
- Ensure employees understand the policies and procedures and understand their responsibilities
- Ensure that everything is signed off and you have a record
- Performance manage on a regular basis
- Set a standard across the entire business
- Management training on how to deal with difficult situations/employees



# The importance of getting professional advice

## Key Points:

- They are experts in their field as they are trained in this area
- Knowing you are receiving correct information and guidance
- Protecting your business
- Following proper HR process will avoid any issues, i.e. unfair dismissal, adverse action claims, etc
- Peace of mind





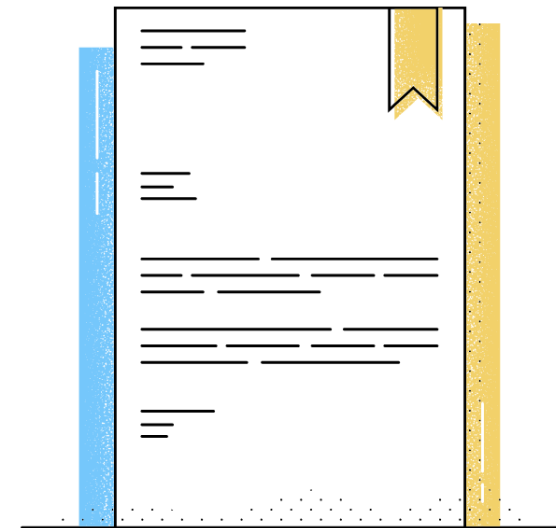
**TOPIC 4**

**The importance understanding compliance**

# How to educate the Business Owner

## Key Points:

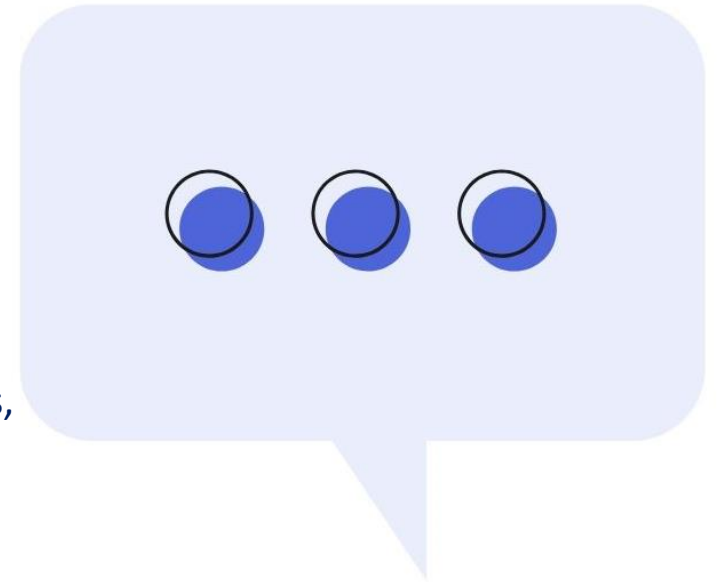
- Management training
- Using an independent or ongoing advice and support
- Outline costs involved by not following best practice
- Stick to what you are good at and stay in your own lane
- Make them aware that there are rules to be followed



## How to educate your Managers

### Key Points:

- Regular management training
- Make sure they seek advice before they act
- Record keeping of all conversations – know the facts
- Make sure they follow the guidelines and not deter or go on a different pathway
- Make sure they follow the right process, i.e. 24 hours notice for meetings, support person
- Having a support person with the manager
- Following a structured process
- Language used



# How to educate your Staff

## Key Points:

- Starts with induction
- When you implement a new policy or procedure make sure they are educated, including sign off
- Re-induct your staff every 12 - 18 months
- Use certain policies around different times of the year, i.e. Code of Conduct, Bullying, Vehicle, Christmas parties
- Understand what is acceptable and what is not acceptable in the workplace
- Position Description/Employment Contract/Workers obligations





**TOPIC 5**

**The benefits to you and your team by following the correct process**

# You don't damage your business internally and externally

## Key Points:

- You want to maintain a good culture within your business
- You need to demonstrate that you are doing the right thing by following best practice for what is good for your business
- Unfair dismissals can be damaging internally and externally, especially for your clients
- This is all about following your Mission, Purpose, Vision and Values of what is important to you in having a great business!



## Better employee engagement

### Key Points:

- Less disruptions means better performance
- Following a Best Practice method creates alignment
- You achieve better goals and outcomes much quicker for your business
- Staff Satisfaction is KEY for staff to stay
- Less people resigning creates better stability and less frustration
- Your staff come to work, wanting to help your company grow, and it is not just a job!



## You focus on what you do best!

### Key Points:

What would your business look like with industry experts who can offer you expert advice in their field to help grow your business?

### This is all about cohesion in having;

- An Accountant to advise on P&L to grow your business
- A Lawyer to minimise your risk
- HR Expert for compliance and people management
- Marketing Company for website design and social media
- Sales Expert that can help your grow more sales for more profits



# Use our 'CovidSafe Plan'

## HR Documents & Checklists

Free HR Documents & Checklists to help you stay on track



**Returning to the office after COVID-19 checklist**

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**Checklist to go through before your employees visit clients again**

Download



**HR Health Check**

Download



<https://keyba.com.au/hr-documents-checklist/>



**Any Questions?**



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An illustration of a woman with red hair, wearing a dark blue top, sitting at a desk. She is talking on a mobile phone and looking at a computer monitor. On the desk, there is a red pen and a white notepad. In the background, there are several documents and a calendar on the wall.

 **KEY BUSINESS ADVISORS**

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***Promotional Offer***



## Upcoming webinar – How to be more efficient in 2021!

Monday 14<sup>th</sup> Dec, 2020 1pm-2pm

### Topics for this webinar



- Implementing better efficiencies for 2021
- Understanding the capability of Office 365
- Getting the best out of Microsoft TEAMS for your business for better engagement
- Using One Drive as a resource for better document workflow
- The benefits to your team and company to perform better!

Register – [www.keyba.com.au/upcoming-events/](http://www.keyba.com.au/upcoming-events/)



Thank you for attending today's webinar.  
Slide deck and the webinar recording will  
be emailed to you!

Stay Safe!