



Final warning letter template

Who is this template for?

This template is for employers wanting to provide their employees with a final written warning. It also contains a checklist with best practice steps for employers to follow before giving a final written warning.

When do I use this template?

Warning letters are useful to confirm and address a performance or conduct issue with an employee. You usually issue an employee with a warning letter after meeting to discuss the problem.



Are you a small business owner?

If you operate a small business, it is important that you follow the Small Business Fair Dismissal Code when terminating an employee's employment. To view the code, visit fairwork.gov.au/fair-dismissal-code

Using this letter may help you to comply with the code.

When should I issue a final warning letter?

Final warning letters are usually issued to an employee after you have warned them about a particular performance or conduct issue and their conduct or performance has not improved. You can use the Warning letter template for this, available at fairwork.gov.au/templates

Final warning letters should be issued to an employee after you have warned them about a particular performance or conduct issue and provided a written warning, and their conduct has not improved.

Do I need to give a final warning letter?

There is no legal requirement to provide employees with a written warning before ending their employment or a certain number of warnings. However, to determine whether an employee was unfairly dismissed, the Fair Work Commission will consider if the employee was:

- warned about performance or conduct issues, and
- provided a reasonable opportunity to improve their performance and conduct.



Serious misconduct

A final warning may not be appropriate for serious misconduct. For more information about how to manage serious misconduct, see our Notice and final pay page at fairwork.gov.au/notice

Where can I go for more help?

You can find more information on termination of employment and managing underperformance by:

- visiting our webpage at fairwork.gov.au/termination
- reading our Managing underperformance best practice guide at fairwork.gov.au/bestpracticeguides
- completing our Managing performance online course at fairwork.gov.au/learning

The Fair Work Ombudsman is committed to providing you with advice that you can rely on.

The information contained in this template is general in nature. If you are unsure about how it applies to your situation you can call our Infoline on 13 13 94 or speak with a union, industry association or a workplace relations professional.



Checklist: Best practice steps for issuing a final warning letter

Step 1: Identify the problem and consider your options

- ☐ Clearly identify the performance or conduct issue.
- ☐ Think about how serious the problem is, how long it has existed, what steps you have already taken to address it and what you are going to do next.

Step 2: Meet with the employee

- ☐ Meet with your employee before issuing a written warning to discuss the issue
 - Try identifying and resolving the issue before the situation becomes worse
 - Clarify your expectations of the employee at the meeting
 - Seek agreement from your employee on a solution to improve the situation.
- ☐ Let your employee know they can bring a support person of their choice to the meeting if they want one.
- ☐ Document the details of any performance or conduct meeting held with the employee using the Record of meeting template, available at fairwork.gov.au/templates

Step 3: Create your letter of warning

- ☐ Use our template below to create your warning letter. If you're using another template, make sure your warning letter includes:
 - details of the performance or conduct issue of concern
 - what has been discussed with the employee about the issue
 - what the employer will do to assist
 - an action plan of what steps the employee needs to take
 - a reasonable timeframe in which the changes or improvements need to occur.

Step 4: Provide the final warning letter to the employee

- ☐ Ensure that the employee receives the warning letter and document the details of providing the letter (e.g. the time, date, who was there, what was said, etc.).
- ☐ Confirm your employee reads and understands this letter. This could include:
 - asking the employee to sign a copy of this letter and return it to you, or
 - following up with the employee to make sure they received it and keep a note that you did this.

Note: Employees are not required by law to sign a copy of the letter.

- ☐ You should also keep a copy of the letter for your records.



IMPORTANT

The template on the following page has been colour coded to assist you to complete it. You simply need to replace the **<red writing inside the angle brackets>** with what applies to your situation.

Example information is shown in **[purple writing inside square brackets]** to assist you and should be deleted once you have finished.

When you've finished the letter, make sure you change all the text to **black**.

<Print on your business letterhead>

<Date>

Private and confidential

<Insert employee's full name>

<Insert employee's residential address>

Dear <insert name>

Final warning letter

I am writing to you about your <performance/conduct> during your employment with <name of business>.

[The next part of this letter sets out an example of a best practice approach to dealing with a performance issue. You may not have done all these things, or they may not be relevant in your situation, so you should delete what is not relevant.]

[Using this letter also assumes you have already provided the employee with a prior written warning about this issue. If you have not done this already, we recommended you use our warning letter template to do this. It's available at fairwork.gov.au/templates]

[If you're a small business it's very important that you comply with the Small Business Fair Dismissal Code if you're considering terminating an employee. You can get a copy of the code from fairwork.gov.au/fair-dismissal-code]

On <insert date> you attended a meeting with <insert name of others at the meeting>. At this meeting you were advised that your <performance/conduct> has been unsatisfactory. You were issued with a formal warning letter dated <insert date>, which stated that if your <performance/conduct> did not improve your employment may be terminated.

[Remove the below section if you are going straight from a first to a final warning letter.]

At our meeting on <insert date>, your <performance/conduct> was again reviewed and you were advised that improvement had not been achieved to the level required by the employer. You were provided with a second warning letter dated <insert date>.

As I advised at our meeting on <insert date>, your performance has not improved and continues to be unsatisfactory.

This is a final warning letter. If significant improvement in your <performance/conduct> is not achieved by <insert date> your employment may be terminated. To reiterate, our expectation is that you <insert details of expected outcomes>.

[It is **very important** that you do not set requirements that are discriminatory, unlawful, or otherwise unreasonable. If you are unsure how to manage a performance or conduct issue, seek advice from a lawyer or your employer association.]

I propose that we meet again on <insert date> to review your progress. If you wish to respond to this final warning letter, please do so by contacting me on <insert phone number> or by replying in writing.

Yours sincerely,

<Insert name>

<Insert position>