



Warning letter template

Who is this template for?

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

When do I use this template?

Employers can use this warning letter template to confirm and address a performance or conduct issue with an employee. You usually issue an employee with a warning letter after meeting with them to discuss the problem.

Following this process can help resolve issues before the situation becomes worse.



Managing issues

When managing a performance or conduct issue, it's important that you don't set requirements or targets that are discriminatory, unlawful or otherwise unreasonable.

If you're unsure how to manage a performance or conduct issue, seek advice from a lawyer or your employer association.

Do I need to give a written warning?

There's no legal requirement to provide employees written warnings or a certain number of warnings before ending their employment.

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

Warnings 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

Are you a small business owner?

Small business owners should also follow the Small Business Fair Dismissal Code when considering ending an employee's employment, available at fairwork.gov.au/fair-dismissal-code

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

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 warning letter

Step 1: Assess the issue

- ☐ 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 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>

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 best practice performance/conduct counseling. It is not prescribed by law. 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.]

[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, available at fairwork.gov.au/fair-dismissal-code]

On <insert date> you met with <insert name of others at the meeting>. At this meeting you were advised that your <performance/conduct> has been unsatisfactory, and that immediate improvement is required. In particular you were advised that <insert explanation of unsatisfactory performance or conduct, for example regularly attending work late or not completing required tasks>.

In the meeting you were asked if you had anything you wished to say or to respond to the situation and you <insert details of the employee's response or if no response was provided you can note here that the employee 'did not respond'>.

After considering the situation it is expected that your <conduct/performance> improves and specifically that you <insert advice given to employee regarding improvement of performance or conduct, for example outline deadlines for improvement, specific performance targets set (ensure whatever you require is reasonable and fair in the circumstances and that you have considered any response or reasons from the employee)>.

[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.]

This is your <insert what number warning> warning letter. Your employment may be terminated if your <conduct/performance> does not improve by <insert date that is reasonable in this situation>.

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

Yours sincerely,

<Insert name>

<Insert position>

PLEASE KEEP A COPY FOR YOUR RECORDS