

Final warning letter template

An interactive version of this template is also available. Try our Warning letter template tool at fairwork.gov.au/templates

Who can use this template?

This template is for employers who want to give their employee a final written warning. It contains a checklist with best practice steps for employers to follow before giving a final warning letter.

Note: if you want to issue a warning that isn't final, you should instead use the Warning letter template available at fairwork.gov.au/templates

When can I give an employee a final written warning?

A final written warning is usually given to an employee if they have received previous written warnings about a particular performance or conduct issue, and the issue has not improved. If the employee does not meet the requirements outlined in the final warning, this may lead to their employment being terminated.

If you need tailored advice about disciplinary action or dismissal, you should seek help from a lawyer or your employer association.



Are you a small business owner?

If you operate a small business, it's important that you follow the Small Business Fair Dismissal Code when considering dismissing an employee. Find it at fairwork.gov.au/dismissal

Using this template may help you to comply with the Code.

Do I need to give a final warning letter?

There is no legal requirement to give employees written warnings or a specific 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 and/or conduct issues, and
- given a reasonable opportunity to improve their performance and/or conduct.

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.



Serious misconduct

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

Where can I go for more help?

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

- visiting our Ending employment section at fairwork.gov.au/ending-employment
- reading our Managing underperformance best practice guide at fairwork.gov.au/bestpracticeguides
- completing our Managing performance online course at fairwork.gov.au/learning

Checklist: Best practice steps for giving a final written warning

Step 1: Assess the issue and gather relevant information

- ☐ Identify the performance or conduct issue so you can clearly describe it to your employee.
- ☐ Gather any relevant information that demonstrates the problem. You may wish to show this information to your employee.
- ☐ Think about:
 - how serious the problem is
 - how long it's been happening
 - what steps you've already taken to address it
 - what you're going to do next.

Step 2: Meet with your employee

- ☐ Let your employee know they can bring a support person of their choice to the meeting if they want one.
- ☐ Meet with your employee to discuss the issue before giving them a written warning. You should:
 - try identifying and fixing the problem before the situation gets worse
 - clarify your expectations of the employee at the meeting
 - seek agreement from your employee on a solution to improve the situation
- ☐ Document the details of any meeting held with your employee using the Record of meeting template available at fairwork.gov.au/templates

Step 3: Create your warning letter

- ☐ 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
 - what's been discussed with the employee about the issue
 - what you'll do to help
 - an action plan with steps the employee needs to take to improve their performance or conduct
 - a reasonable timeframe in which the changes or improvements need to occur.

Step 4: Give the final warning letter to your employee

- ☐ Make sure that your employee receives the warning letter and keep a record of how you gave it to them (for example, the time, date, who was there and what was said).
- ☐ Confirm your employee has read and understood the warning letter. This could include:
 - asking the employee to sign a copy of the warning letter and return it to you
 - 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 warning letter.

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

Ready to get started?



Instructions for completing this template

- The template on the next page is colour-coded to make it easier to complete.
- Replace the <red text inside the angle brackets> with details that are relevant to your situation. Once you've filled it in, remove the brackets and change the text to black.
- Extra notes and guidance are shown [in purple text inside square brackets]. Be sure to delete these notes before you finish.
- Some sections give you different options. You can keep what's relevant and delete what doesn't apply to your situation.
- Remember to save a copy of the completed letter for your records.

<Print on your business letterhead, if applicable>

<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>.

[This letter sets out an example scenario of when you might give your employee a final warning letter. You may not have completed all these steps, or they may not apply to your situation. You should delete what is not relevant.]

You should only use this letter if you have already given the employee a prior written warning about this issue. If you have not done this already, we recommend using our Warning letter template first. It's available at fairwork.gov.au/templates

If you're a small business, you must comply with the Small Business Fair Dismissal Code if you're dismissing an employee. Find it at fairwork.gov.au/dismissal

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. 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. 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 letter, please do so by contacting me on <insert phone number> or by replying in writing.

Yours sincerely,

<Insert name>

<Insert position>