Five Termination Traps to Avoid

Presented by Ophelia Yan, MBA, SPHR, GPHR, SHRM-SCP

Agenda of DON'Ts

1. Surprise the Employee
2. Make the Employee Unnecessarily Uncomfortable
3. Make Excuses, Apologize, or Change Your Story
4. Set Yourself Up For an Employment Claim
5. Forget How This Might Affect Other Employees

Q & A

DON'T
1. Surprise the Employee
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Coaching
  • Ongoing conversations
  • Often includes offering tools to help employee improve
  • Employee helps identify issue and find solutions

Progressive Discipline
  A disciplinary reaction may involve: verbal counseling, written warnings, suspension, performance improvement plans, final warnings, or termination.

Road to the Decision
  • Several steps needed before termination
  • Exception: severe misconduct
    • Examples: Physical violence, sexual harassment, illegal acts, intoxication on the job (depending on your policy)
    • Don’t simply act on allegations, conduct investigations
DON'T
2. Make the Employee Unnecessarily Uncomfortable

Think About the Logistics
• When will you have the meeting?
• Where will you have the meeting?
• When will the employee be expected to leave?
• How will the news be communicated to other employees?

DON'T
3. Make Excuses, Apologize, or Change Your Story
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**Be Truthful and Clear**
- Termination reason explanation should be thought-out, precise, and concise
- A truthful explanation shows that you respect them enough to be honest
- Watered-down reasons or apologies may give the employee false hope

**Be Compassionate**
While this meeting may make your day unpleasant and uncomfortable, it will affect the terminated employee for much longer.

**Handling Big Emotions or Continued Questions**
- Remain calm
- Stick to your answers
- Don’t be afraid to repeat yourself
- Don’t feel pressured to expand on the reasoning already given or offer additional reasons for the termination
- End the conversation if they get physical or ask the same things over and over
DON’T
4. Set Yourself Up For an Employment Claim

Don’t Terminate for Bad Reasons
- Do necessary investigations (do not take allegations as fact)
- If the reasoning of the person making the decision sounds fishy, question it
- Make sure you can defend every termination decision to an outsider

Don’t Give an Easy Starting Place for a Claim
- Keep your explanations consistent
- Conduct termination with at least two HR or management representatives present
- Document! Document! Document!
- Consider a severance agreement in certain situations
**DON'T**

5. Forget How this Might Affect Other Employees

- Be as transparent as is appropriate considering the circumstances
- Make sure employees know they can ask questions and that you will give truthful answers

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**Determine Appropriate Level of Transparency**

- Be as transparent as is appropriate considering the circumstances
- Make sure employees know they can ask questions and that you will give truthful answers

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**Identify Potential Fall-Out**

- Will the termination potentially cause others to leave?
  - Transparency can help
  - Sometimes it cannot be avoided (e.g. close friends)
- Will the termination cause morale issues or change the day-to-day feel of the office?
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Take Aways

- Be honest
- Be compassionate
- Minimize risks

Q & A

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