

## The Seven “W’s” of the Employee Termination Meeting

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A termination meeting is a stressful experience that many managers would like to avoid. However, a well handled termination meeting can go a long way toward softening the news and avoiding litigation. Be sure to focus on the seven “W’s” – when, where, who, walk-in, why, what and walk-out.

**When.** There are better times to terminate. As to timing, it should be around mid-afternoon when there are fewer employees present to minimize embarrassment and conflict. The decision should be communicated at the beginning of the week. If communicated on Friday, the individual may stew over the weekend instead of productively launching a job search. If communicated on Monday, the individual may sign up for unemployment compensation, contact

job placement agencies and start a job search. Remember, “good news on Friday to savor, bad news on Monday to forget.” Do not terminate before holidays, vacations or other important events.

**Where.** The meeting should be in a private, secure area such as in HR or the decision-maker’s office. It should not be in a public conference room--A fishbowl termination meeting shows a lack of empathy and will lower overall employee morale. The meeting should be on-site so that you can obtain access to company property and other company materials such as manuals and customer lists.

**Who.** Certain individuals should or should not be present. The individual should be present, as termination decisions should be communicated in face-to-face meetings. The decision-maker, who has personal knowledge of the reasons, should be present. A person who has no knowledge should not attend: it is offensive and appears only to be present as a witness. HR’s role is to support the decision-maker and bring calm and reason to the meeting. If it may be a risky situation, you should warn security or another manager. The company lawyer should not be there because it will transform the lawyer into a fact witness and the termination meeting becomes far too important. If

non-union, the employee has no right to have representation present. IT staff should disable and preserve important information on command. Instruct payroll to prepare a final paycheck and other agreed-upon payouts.

**Walk-In.** Invite the individual to meet with you. Be respectful and firm and do not allow the individual to put off the meeting. Once the walk-in begins, you should commence cut-off procedures. You have a fiduciary duty to prevent damage. You cannot allow sensitive information to be destroyed or shared with competitors. IT should back-up the individual’s computer to prevent loss of information. An individual has no right to copy personal information from company computers.

**Why.** During the meeting, the employee will ask you why he or she is being terminated. You must be prepared for that question. To prepare, you should review the game plan of what to say and what not to say and practice delivering message. You should have an agenda or bullet points. Keep the message simple. Review the history and explain that the problems were not resolved to the company’s satisfaction. Tell the truth and do not lie to protect the individual’s feelings or the decision-maker. Avoid personalizing or using opinions and never allude to the individual’s personal

life.

**What.** After you have communicated the decision and why it was made, you must be careful what you say and what you should not say. You should use empathy and earnestness. This is one of the most stressful times in a person's life. Use a dispassionate tone. This is a business decision. Be confident and clear. Do not soften the basis for the decision. You should not apologize. It will anger the individual and make him or her question the reasons for the termination. This was a business decision and you have a responsibility to the company, shareholders and remaining employees.

**Walk-Out.** Once the meeting is over, you must focus on the walk-out. You must get the individual

out of the office with minimal problems. You should not allow the individual to stay to get his or her house in order. You can immediately walk the individual off the premises and offer to ship personal items home. Or, you can escort the employee to his or her desk directly. The escort should be done by a functionary, not the decision-maker because the situation will be far too emotional at that point. The functionary should however, watch and inventory. You should consider ordering and paying for a taxi because you do not want this individual carrying bulky items on public transportation when he or she is emotional.

Unfortunately, these economic times are calling for more lay-offs and terminations. Protect your company and make the termina-

tion as "safe" as possible.

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*Williams Kastner has been providing legal service to health care providers and other clients since 1929. It has offices in Seattle and Tacoma, Washington and Portland, Oregon.*

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