

Policies and practices involved in termination and discharge of employees

SLP organisations refer to the socialist labour parties that are formed to take care of employees in terms of discipline and termination of employment. Discipline in an organisation refers to the corrective measures or attempts made at stopping poor performance or bad behaviour in the work place. Discipline usually comes before termination of employment. However, in some organisations, employers fire worker without prior disciplinary actions.

Termination in this context refers to the end of employment period, or discharge from employment. In this essay, we take a look at certain policies and guidelines involved in employee termination, situations for termination, and how the law perceives them.

As much as there are obvious cases when an employer is obviously permitted to terminate employment, there are controversies involving certain situations like the off duty behaviour, arrest and convictions, privacy during investigation, and sex discrimination, with focus on transgender (Diedrich, 2008).

With the case of off duty conduct, my Social labour party policies generally defends employees who are fired for behaviours that are considered legal in the social and legal arena, but which the employer might not agree with. If the employee is competent at the work place, and does not harm his/her job performance with the off duty behaviour, then the employer cannot fire the employer on grounds of inappropriate behaviour. However, behaviour that directly affects the employee's performance in the work place is prohibited and not protected. This could be that it harms the company's public image is unethical, or hurts staff morale. An example of such behaviour could be drinking. While drinking could be perceived as a personal issue, an employee who is diagnosed as an alcoholic, or whose drinking could result to safety issues at work, or one who drinks right before going to work, could be dismissed on those grounds, as they either become incompetent or place others at risk. Legally, employers can discharge employees at will, when their off duty activities affect their job performance.

However, the American Disabilities Act protects those who are recovering addicts or alcoholics, and therefore, an employer should be careful when dealing with this group of employees. As in a case of gender discrimination, my SLP organisation prohibits against denial or termination of employment based on gender discrimination. In this case, the genders generally referred to are Male or female/ man or woman. There are no specifications to transgender, mean while, homosexuals are not recognised at all. the federal anti discrimination law has policies prohibiting employers from terminating employment based on colour, sex, race, age, origin, nationality religion or disability. Both federal and state law prohibit sex discrimination (Bing, 2007). However, this does not apply to transgender or homosexuals. In the social arena, a transgender would win public empathy; however, they are not legally protected.

According to my SLP, there are a maximum number of days, which an employers can offer the employee to come back to work, unless otherwise. They are given three working days to continue with their jobs as before, without which, the employer could begin the process of termination. Legally, termination is justified if the employee is convicted; the crime negatively portrays the company or does not fit with the company's goals, values and morals. An employer cannot fire an employee who is in jail (Hirschman, 2003), before following elaborate procedures confirming the employee as guilty of the charges, or his/her behaviours illegal. While conducting investigations in

the organization, employers should ensure employee privacy is elevated at all times. However, privacy does not prevent the employer from accessing information stored in its database or company files. Identifying employees who could have important information or access to such information is important as they are meant to be investigated. In this context, employers are justified to access their personal information's. Privacy is observed at the beginning of the investigation, and not after or during investigation (Rollors, 2008).

There is a general protocol to be followed before termination of employment. This is called a progressive discipline. Progressive discipline refers to a series of warnings starting by a simple verbal warning, to a written reprimand, suspension then finally discharges. An employer should tell the real reasons for termination, avoiding lies as the ex-employee would sue the company, when the true reasons are realized. Every company has a handbook containing the guidelines and policies to follow during termination. An employer should follow these guidelines as close as possible. Communicate with the employee directly, and review their wages or accrued benefits, commissions and bonuses (Miletsky, 2008).

In conclusion, the above matters pose sensitive and serious matters which need to be watched while dealing with employee termination. Employers should always concur with lawyers or legal systems before firing employees concerned with the above cases. Termination could result in negative publicity for the company, lawsuits, low morale from the existing employees and other negativities therefore should be taken seriously. Making sure the termination concurs with the state laws always protect an organisation from these effects.

References

Bing, S. Fortune. New York. July 23, 2007, vol.156, Iss. 2, pg. 210.

Diedrich, E. *Firing the right way*, "Pittsburgh Post-Gazette, Feb., 20,2008, pg.E.8

Hirschman, C. *off duty, out of work*. "HRMagazine Alexandria. Feb 2003, vol 48, Iss.2 pg 50.

Miletsky, J. *How to avoid claims and lawsuits when hiring and firing employees at will*. "contractors' business management report. New York, Nov. 2008, Iss. 11, pg 1

Ramsey, D. *Gudelines for the progressive discipline of employees*. "supervision", Burlington, Feb. 1998, vol 59.Iss. 2, pg 10.

Rollors, C. (2008). *Discrimination, Gender identity and Title VII*. New York: Cengage Learning.