

Increasingly our daily exchanges are taking place via electronic media such as text and email, for delivering all sorts of information whether good, bad or indifferent.

Most people know their email etiquette – that negative news shouldn't be delivered via SMS or email. Yet another recent case highlights some employers aren't aware of what is unacceptable – and even unlawful – when it comes to dismissing employees.

The Fair Work Ombudsman launched legal action against the operators of a Perth restaurant, alleging a chef was paid nothing for almost four months' work and then sacked by text message for calling in sick. For the full media release from the Fair Work Ombudsman, click [here](#).

A termination that is not face-to-face could breach the law

Setting aside the underpayment and adverse action aspects of this case, it is worth reiterating the reasons why **dismissal by text, email or other electronic means is never a good idea for either party** – not least if you want to avoid falling foul of workplace laws.

Dismissing an employee via SMS or email could:

- deprive them of any opportunity to respond
- rule out procedural fairness in relation to the termination
- be seen as an unreasonable refusal to allow a support person to assist

Any termination that is not face to face, or at the very least does not give the employee the ability to respond to the reasons for a termination, or have a support person present at any disciplinary meeting, will **breach the law**. Firing via text, or email for that matter, is not an illegal action on its own, but can give rise to legal problems down the track.