

# Termination of Employment

## Points to Note

- The conditions for termination of employment should be clearly stated in the letter of appointment/employment contract.
- The IMC should set up a formal and objective staff appraisal system.
- The IMC should process each case of termination of employment in accordance with all employment related rules and regulations under relevant ordinances and legislations.
- In the case of dismissal of teachers/specialist staff, the IMC should only dismiss them for good and sufficient reasons. In the case of dismissal of teachers, such dismissal should be approved by the majority of the managers of the school at a meeting of the Incorporated Management Committee (IMC) in accordance with regulation 76 of the Education Regulations with all decision and documents properly recorded.
- The IMC should issue a certificate of service to the staff on termination of service. For the purpose of salary administration, the IMC should inform the Education Bureau promptly of the case in writing.

## Dos and Don'ts

### Dos

#### *During probationary period*

- ✓ inform staff beforehand of the expected standards of performance
- ✓ give sufficient period of notice of termination of employment if the staff member with unsatisfactory performance shows no improvement in his work after being duly advised

#### *After probationary period*

- ✓ inform staff beforehand of the expected standards of performance
- ✓ give a written warning to the staff member with unsatisfactory performance and showing no improvement in his work after being duly advised as well as an appropriate period to make improvement, normally not less than one month; forward a copy of the written warning to the Permanent Secretary for Education for information and/or follow-up action where necessary
- ✓ give a second written warning if he shows no improvement and a further period to make improvement, normally not less than one month; forward a copy of the written warning to the Permanent Secretary for Education for information and/or follow-up action where necessary
- ✓ give sufficient period of notice of termination of employment if he still shows no

improvement

- ✓ inform the Permanent Secretary for Education of the termination of employment concerned
- ✓ record all written warnings in the school files

#### Don'ts

- ✗ terminate the employment of the staff member concerned without giving him a sufficient period of notice
- ✗ charge payment of salary in lieu of notice to government funds
- ✗ include maternity leave or annual leave in the notice period

#### **Reference Materials:**

§ Regulations 76 and 77 of the Education Regulations

§ Section 13.5 of the Code of Aid for Aided Schools

§ Section 6 of the Compendium to the Code of Aid for Aided Schools

§ Section 7.8.3 of the School Administration Guide

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School Development Division