**TERMINATION POLICY**

1. **Objective**
   1. The objective of this policy is to follow the termination procedures as recognized by the government of India.
2. **Scope**
   1. This termination/separation of employment policy applies to all prospective or current employees and connected offices of the company in regards to possible separation of employment.
3. **Exceptions**
   1. The terms mentioned in this policy do not apply to any employee who has voluntarily terminated his/her contract.
4. **Policy** 
   1. For the purposes of this policy and procedure, termination of employment means the ending of your contract of employment by AMP Fitness, LLP
   2. Our **Termination/Separation of Employment policy** refers to the event that an employee ceases to be part of the company’s workforce. The company is bound to handle any cases of termination of employment as dictated by law with discretion, professionalism and official documentation.
5. **Policy Elements** 
   1. The company will observe all legal dictations referring to termination/separation of employment and will avoid “implied contracts” and unnecessary terminations.
6. **What is termination of employment?** 
   1. Termination of employment happens when the contract of an employee is discontinued due to their or the company’s actions. The dismissal of an employee from their job duties may be categorized as voluntary or involuntary. Voluntary dismissal may include the following:
      1. Resignation
      2. Retirement (*Refer to the exit policy)*
   2. Involuntary Dismissal may include the following:
      1. **Redundancy/Retrenchment** 
         1. Redundancy or retrenchment are examples of termination that come about through a change in the position an employee performs, rather than any fault on their part. It does not occur as a result of poor performance or misconduct of an employee. Redundancy occurs when the employer no longer requires the position the employee has been employed for to be performed by anyone.
         2. Retrenchment occurs as a result of the employer having to reduce the number of employees in the workplace, but still requires the particular job that the employee was doing to be done. If the situation arises where it becomes apparent that a job or jobs will be made redundant, the company will consult with the employee(s) affected, and where relevant, prior to the actual decision to make specific employees redundant, in accordance with the appropriate provisions contained in the relevant Agreement/Award/Act.
      2. **Unsatisfactory Performance** 
         1. Termination of employment for unsatisfactory work performance occurs when the employer gives an employee notice that the employment relationship will cease as a result of performance or conduct issues. The employer will give the employee notice of termination, which ordinarily has been preceded by **disciplinary action**, i.e. Consultation sessions and the issuing of formal written warnings.
         2. An employee’s performance will be considered to be inadequate or unsatisfactory if the requirements of the position are repeatedly not being met by the employee (as set out in the employee’s position description) and following notification of the poor performance by the employer.
         3. Unsatisfactory performance or conduct issues by an employee may include:
            1. Unauthorised absenteeism/poor record of attendance
            2. Behaviour towards manager/supervisor
            3. Behaviour towards co-workers
            4. Job effectiveness, efficiency and output
            5. Not following specific company policies, procedures or practices
            6. Non-compliance with the requirements of the contract of employment or letter of appointment
            7. Actions involving accident or injury (or the real possibility of accident or injury) to any employee or client, either by intent or neglect
            8. Harassing or discriminatory behaviour towards an employee, client or customer of the company
      3. **Serious and Wilful Misconduct** 
         1. Dismissal without notice may occur where an employee commits an act of serious and wilful misconduct, which may include:
            1. Serious breaches of the employer’s code of conduct or company policies, e.g. Occupational health, safety and welfare, sexual harassment
            2. Refusal to carry out a lawful instruction of a manager/supervisor
            3. Consuming, possessing, selling, manufacturing or being under the influence of alcohol or other drugs on company or client premises
            4. Dishonesty, theft or other unlawful activities
            5. Gross negligence (subject to the nature of the negligence vandalising, intentionally damaging or misusing company or another employee’s property)
            6. Violence, either verbal or physical
            7. Other acts may also constitute serious misconduct, depending on the circumstances of the case. It is at
         2. The list is not exhaustive therefore, discharge for cause remains at the **company’s discretion**. It must however always reflect an unacceptable behaviour or action that violates legal or company guidelines and may result in financial and non-financial damages for the company, other employees or society.
         3. Severance pay may apply to cases of discharge without cause but not discharge for cause.
7. **Responsibilities** 
   1. **Managers Responsibilities** 
      1. He/she will discuss the matter with the **AMP Fitness, LLP** appropriate dismissing officer who will ultimately sign the letter terminating the contract. A dismissing officer will be a Director/partner.
      2. If the dismissal is because of your conduct, your manager will follow the disciplinary policy and procedure
      3. If the dismissal is due to the non-renewal of your contract, your manager will contact Human Resources at least two months before the expiry of your contract to ensure that you receive adequate notice and the correct process is followed. Further to this:
      4. At least one month before your contract ends your manager will write to you explaining the circumstances why your contract has not been renewed and will invite you to a meeting to discuss the termination of your contract. You will have the opportunity to express your views and discuss any suitable potential employment opportunities within **AMP Fitness, LLP**
      5. After the meeting, your manager will inform you, in writing, of the outcome, the reasons and of your right to appeal
      6. If the dismissal is due to redundancy, your manager will follow the process set out in the **AMP Fitness, LLP** Termination policy.
   2. **Your Responsibilities**
      1. You must make every effort to attend the meeting that your manager arranges to discuss the termination of your contract.
      2. You must adhere to the exit policy
   3. **HR Responsibilities**
      1. A handover will be planned by the immediate supervisor and HR informed about it.
      2. Exit interview by HR and reporting manager will be conducted on the last working day
      3. Handover document from the immediate supervisor and department head.
      4. Exit Checklist to be completed by the employee (No Dues/No Objection).
      5. F&F deadlines to be cleared based on the reason for termination

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