

# I can be fired for that? 8 things that could get you dismissed

Most of us know the behaviours we should avoid at work.

But it's not always clear which kinds of behaviour could actually result in us being fired.

We asked lawyer Jaenine Badenhorst from law firm [Dyhrberg Drayton Employment Law](#) to explain the behaviours that can end up in dismissal.

## Misusing social media

"Many employees don't realise that what they say and do on social media can cause problems at work," Badenhorst says. "If you make a negative comment about your employer, their products, or clients, or anything that puts the employer in a negative light, you can land in hot water." Making abusive or discriminatory comments that could bring the employer into disrepute has resulted in people being disciplined, including losing their job. Public sector employees need to be careful about political or policy commentary.

Badenhorst says you should be aware that:

- even your private social media pages can be shared or shown to others;
- you may delete a post, but people can take screenshots; and
- you can get into trouble for liking or sharing posts.

"Where there are clear rules about personal use of work technology, or excessive time is being spent on social media during work hours, employee's private activities may be seen as a breach of the workplace rules", Badenhorst explains. "Employees can face disciplinary action like a warning, or even dismissal where the conduct is repeated or of a serious nature," Badenhorst says.

Badenhorst recommends employees familiarise themselves with their workplace's rules on social media use and using work technology for personal matters.

## Badmouthing your boss or the business

If you have any issues at work, you have a duty of good faith to raise it with your employer and give them an opportunity to fix it. "This is a far better approach than venting your frustrations on social media," Badenhorst says. "If you do anything that damages your employer's business, you may face disciplinary action, which can include dismissal."

## Divulging information about the business

“All employees owe a duty of confidentiality to their employers and even if that duty is not recorded in the employment agreement, the courts will imply it,” Badenhorst says. A duty of confidentiality usually applies to information about clients, customers, products, the business and other intellectual property.

If you breach your duty of confidentiality, you could face serious disciplinary action, such as loss of access to certain material, demotion, suspension, and even dismissal.

“It’s important to know the duty of confidentiality carries on even after your employment has ended,” Badenhorst says. “If you breach your duty of confidentiality and your former employer suffers a loss, you could be ordered to pay compensation.”

## **Engaging in an office romance**

If an office romance impacts negatively on the workplace, it may become an issue for the employer, Badenhorst says. Entering into a romantic relationship with a workmate where there is a reporting relationship, or failing to disclose one where there is a potential conflict of interest can lead to disciplinary action.

Badenhorst says unwanted or offensive romantic gestures can be viewed as sexual harassment, even where there was no intention or knowledge the conduct was causing distress. A finding of sexual harassment often results in significant disciplinary action (including dismissal).

## **Lying or stealing**

It probably goes without saying, but lying, abusing company perks and theft can justify dismissal.

“Engaging in dishonest or fraudulent acts can be classified as serious misconduct, because it goes to the heart of the trust and confidence that is required between parties in an employment relationship,” Badenhorst says. “Where that trust and confidence has been damaged, the employment relationship may not be able to continue. This may give the employer grounds to give a warning or dismiss an employee, after a fair process.”

## **Receiving gifts**

“An employee must be careful about accepting gifts where it could create the impression they are acting in a manner that conflicts with their employer’s interest (ie it could be seen as a kickback or bribe),” Badenhorst says. “Ensure you check your employment agreement and/or the workplace policy about receiving gifts. If there are no rules, you should check with your employer before accepting gifts.”

## **Lying on your job application**

Being dishonest on your job application is very problematic, Badenhorst says. If discovered, a

misrepresentation of qualifications or experience, or lying in response to a direct question, can result in termination of employment.

## **Breach of health and safety rules**

A breach of health and safety rules can result in serious disciplinary action, including dismissal,” Badenhorst says. “A deliberate or ongoing breach is more likely to result in serious disciplinary action, whereas an accidental breach, or a breach outside of the employee’s control may be seen in a different light.”

## **If you think your dismissal is unfair**

Before your employer can terminate your employment, they must have ‘just cause’ and follow a ‘fair process’. The outcome of a disciplinary process must be reasonable and proportionate to the misconduct that has occurred.

While there are many behaviours that can justify being fired, your dismissal may be found to be harsh, unjustified or unreasonable, especially if your employer did not follow a fair process before making the decision to dismiss you.

If you’re concerned your dismissal may be unfair you should seek help, such as through your union, a [Citizens Advice Bureau](#), a [Community Law Centre](#), or get legal advice from a lawyer.

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- [Can I be fired without a written warning?](#)
- [Can I be fired while on probation?](#)
- [Job ended badly? Here's how to explain it](#)