

When is it necessary to dismiss / fire someone from his/her job?



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1. Rephrase the underlined expressions below with the following idioms:

not cause me to change my decision **realise that you have been wrong** **very likely**
be well received **argue with or try to dispute** **be dismissed/ fired**

1. His performance at work is so poor that he should get sacked from his job.
2. It's a fair bet that you will lose your job if you carry on behaving like that.
3. Please see the error of your ways and just admit that you made some bad decisions!
4. Please do not take issue with my decision.
5. Do you think the managers' decision will go down well?
6. Her excuses will cut no ice with me.

Bribery: He offered a bribe to influence the decision in his favour. *Bribery* is the act of offering, giving, receiving, or soliciting something of value for the purpose of influencing the action of an official or other person in a position of trust.

Case: The police are investigating the robbery case. A case refers to a specific instance of alleged (hypothetical) illegal activity that is being investigated or brought before a court.

Charges: He faces charges of assault and battery. *Charges* are formal accusations of an offense, typically made by the police or other authorities.

Conviction: After the trial, he received a conviction / sentence for theft. He was convicted. A *conviction* refers to a formal declaration by a court that someone is guilty of a criminal offense.

Court: She had to appear in court for the speeding ticket. *Court* refers to the legal institution where trials and hearings take place to determine legal cases.

Drug Taking: Drug taking in the workplace is strictly prohibited. *Drug taking* refers to the act of consuming illegal or prohibited substances.

Embezzlement: The accountant was charged with embezzlement of company funds. *Embezzlement* is the act of dishonestly appropriating or secreting assets by someone entrusted with those assets.

Fraud: He was found guilty of fraud for misrepresenting financial records. *Fraud* refers to wrongful or criminal deception intended to result in financial or personal gain.

Gross Misconduct: His behaviour at work amounted to gross misconduct. *Gross misconduct* refers to behaviour by an employee that is so severe that it breaches the terms of their employment.

Insider Dealing: The businessman was investigated for insider dealing. *Insider dealing* involves the illegal use of confidential or non-public information for financial gain in trading stock or other securities.

Magistrate: The magistrate listened to the arguments before making a ruling. A *magistrate* is a civil officer who administers the law, often in lower courts.

Theft: He was convicted of theft for stealing from the store. *Theft* refers to the unauthorized taking of someone else's property with the intent to permanently deprive the owner of it.

Tribunal: The case went to a tribunal for a fair judgment. A *tribunal* is a court or forum of justice where cases can be heard and determined.

2. Read the article.

You can confess to a crime and you still won't get the sack

Adapted from The Independent, 29 July 2007, by Alisdair Douglas

1. Ask your boss: would you be sacked for committing a crime? Possession of cannabis? Hitting a stranger in the street? Giving a bribe?
2. The "spent crimes" rules under the prevent sackings based on old convictions, but it's a fair bet resignation would follow for lots of other crimes.
3. Your boss is likely to be lenient if the crime was committed a long time ago when you were young and foolish, didn't know better, everyone was doing it and you now see the error of your ways. Not surprisingly, it cuts no ice with magistrates if the offender's only excuses are that he is young and foolish, etc, etc. He still gets a criminal record.
4. Nine years ago, a postal worker was imprisoned for 40 days in France for punching a rival supporter at the football World Cup. He was immediately dismissed by the Post Office but won his case for unfair dismissal. The criminal behaviour took place in the worker's own leisure time and didn't have an impact on his job, so the only question the Employment Tribunal had to consider was whether the incident damaged the reputation of the Post Office and could therefore justify



instant dismissal. The tribunal decided it didn't and therefore the Post Office was wrong to sack him. Clever analysis, but the wrong result for society.

5. Most employers can sack workers on the spot for gross misconduct at work, such as punching the boss. But you can't always dismiss someone for punching in their own time.

6. In the financial district of London, drug taking and other activities that carry a reputational risk are usually dealt with in staff members' contracts, rather than being left to the discretion and unpredictability of the courts.

The pragmatic position for the employer is that no worker with two brain cells and the desire for future employment is ever going to take issue with being sacked for taking illegal drugs; he or she would never get another job in the City if the case was taken to a public tribunal.

7. How would your boss feel if you confessed to stealing from your place of work 20 years ago? Crimes of dishonesty - fraud, embezzlement, theft - do not go down well.

In almost every job, if an employee is found to have committed such a crime, he or she will almost certainly be sacked as soon as there is incontrovertible evidence or an admission of guilt. No one takes these cases to tribunals to claim unfair dismissal; for many, the sack and the absence of a reference are the only real punishments. Few businesses involve the police and there must be many thousands of thieves and embezzlers out there who are grateful their old firms decided that bringing charges was not worth the time and effort.



3. Match the sentence with a correct conditional.

1. *How would your boss feel if you confessed to having your fingers in the till 20 years ago?*

2. *... if an employee is found to have committed such a crime, he or she will almost certainly be sacked.*

a. a hypothetical situation in the present or future (2nd conditional)

b. a possible situation in the future (1st conditional)

4. Now do the same with the following sentences and give the structure of the third and mixed conditionals:

1. *Martin was sacked because he punched his boss.*

2. *If Martin hadn't punched his boss, he wouldn't have been sacked.*

3. *If Martin hadn't punched his boss, he would have his old job now.*

- a. a hypothetical situation in the past with a consequence in the past (3rd conditional)
- b. a hypothetical situation in the past with a consequence in the present (mixed conditional)
- c. a real situation in the past

5. What's the difference in these two sentences?

1. If an employee **had** committed a fraudulent activity 20 years ago, he or she **would have likely faced** severe consequences upon incontrovertible evidence surfacing.
2. An employee **would have likely faced** severe consequences upon incontrovertible evidence surfacing if he or she **had committed** a fraudulent activity 20 years ago.

Structure	Examples and use
<p>If I had (+ past participle) ... I would have (+ past participle) ... Instead of would, we can use could or might.</p>	<p>Last night it was dry, so I went out. If it had rained last night, I would have stayed at home.</p> <p>We use the third conditional when we talk about an imaginary or hypothetical situation in the past. In the above example, the real situation was that it did not rain. If I had known that he was there, I wouldn't have come. I would have said hello if I had seen you. If he hadn't been so tired, he could have finished the race.</p>

Things to remember

- We use / do not use **would** in the if-part of the sentence:

If it would have rained had rained last night, I would have stayed at home.

- If the sentence starts with the if-part there **is / is not** a comma before the second part of the sentence:

If it had rained, I would have stayed at home.

- If the sentence has its "if" part at the end, it **does / doesn't** have a comma before that "if" part

I would have stayed at home if it had rained.

- We can say 'd instead of would or had:

If it had rained, I'd have stayed at home.

I would have said hello, if I'd seen you.

- We normally say 'd had instead of had had:

If I had had 'd had time, I would have sent you an email.

- The third conditional always refers **to the past / to the present or future**:

If it had rained last night, I would have stayed at home. (It didn't rain last night - past)

- The second conditional refers **to the past / to the present or future**:

If it was raining now, I would stay at home. (It isn't raining now - present)

6. Complete the sentences below.

1. Simon woke up late and was 30 minutes late for work. If he _____ (wake up) early, he _____ (not/be) late for work.
2. I stayed at home yesterday because of the rain. If it _____ (not/rain), I _____ (go out).
3. The tennis player didn't train at all, but he still won the match. If he _____ (not/be) so talented, he _____ (not/win).
4. I was almost ready to start looking for another job, but then my boss gave me a promotion. If he _____ (not/give) me a promotion, I _____ (look) for another job.
5. James won the lottery, so he didn't need to work anymore. He _____ (not/quit) his job if he _____ (not/win) the lottery.
6. Debbie was at the party, but I don't think she saw me. If she _____ (see) me, she _____ (say) hello.
7. I thought the meeting was at 9am, not 8am. I _____ (not/be) late if I _____ (know) what time it started.
8. Mike failed his university exams. If he _____ (study) harder, he _____ (pass) them.

7. For each of the situations below, form a third or mixed conditional sentence with 'if':

1. Yesterday, I lost my keys. I couldn't get into the house.

2. Jane didn't study for her exam, so she failed it.

3. Chen didn't prepare for his job interview, so he doesn't have a job now.

4. I am late for work because there was a lot of traffic.

5. You didn't let me know about the party, so I didn't come.

6. The meeting started very late, so I'm not at home yet.

7. James bought a lottery ticket and won \$10,000.

8. There was so much noise, so I wasn't able to concentrate.

9. John didn't buy a new car because he didn't earn enough money last year.

10. You stayed up late last night because you drank too much coffee.

8. Yesterday, Nick had a lot of problems. Read each problem and write a third conditional sentence using the ideas below.

change the oil

cook his lunch properly

do some shopping

have an umbrella

keep a diary

pay his internet bill

1. He was not able to use the internet. *If he had paid his internet bill, he would have been able to use the internet.*

2. He forgot his best friend's birthday. If he _____

3. His car broke down. His car _____

4. He ran out of coffee. If he _____

5. He was soaking wet. If he _____

6. He got food poisoning in the evening. If he _____