Resignation - how much notice?

When an employee resigns, they may have to give notice to their employer. The notice period:

- starts the day after the employee gives notice that they want to end the employment
- ends on the last day of employment.

An employee's award, employment contract, enterprise agreement or other registered agreement (www.fairwork.gov.au/Dictionaries.aspx?TermID=2034) sets out how much notice (if any) they have to give when they resign.

Employees covered by a registered agreement should check the terms of their agreement for information. To find a registered agreement, go to the Fair Work Commission website (https://www.fwc.gov.au/awards-and-agreements/agreements).

An award and agreement free employee doesn't have to give notice to an employer before resigning. An employment contract may require an employee to give notice.


Use our Notice and Redundancy Calculator (http://calculate.fairwork.gov.au/EndingEmployment) to find information about minimum notice requirements or select your award from the list below.

An employment contract can't provide for less than the legal minimum set out in awards and agreements. Visit Employment contracts (www.fairwork.gov.au/awards-and-agreements/employment-contracts) to find out where to get advice about any other terms and conditions in the contract.

Best practice tip


What happens after an employee gives notice?

Once an employee gives their notice, the employer should make sure the amount of notice is correct.

An employer doesn't have the choice to accept or reject an employee's resignation. Usually employers will acknowledge an employee's resignation and then the employee works as usual until the end of the notice period, when their employment ends.

When the employer doesn't want the employee to work through the notice period

If an employer doesn't want an employee to work out the notice period, they should first check the terms of their award, enterprise agreement, other registered agreement or employment contract.

To find out more about what employers need to do, go to What happens when an employer doesn't want an employee to work through a notice period (www.fairwork.gov.au/library/k600628_resignation-what-happens-when-an-employer-doesn't-want-an-employee-to-work-through-a-notice-period) in our Library.

Taking leave during a notice period

An employee can take annual leave during a notice period if the employer agrees to the leave. An employer can't force an employee to take leave as part of the notice period.

Notice can include public holidays. They don't extend the notice period.

An employee can take sick leave during a notice period if they give:

- notice of the leave as soon as possible
- evidence if the employer asks for it (eg. medical certificate).
No paid sick leave left

An employee who has used up all their sick leave can take unpaid sick leave. They have to give the employer notice and evidence.


Think a mistake might have been made?

For employees:

If you’ve lost your job, contact the Fair Work Commission (the Commission) first if you think you were sacked because of:

- a reason that is harsh, unjust or unreasonable
- another protected right.

You have 21 days starting from the day after you were dismissed to lodge an application with the Fair Work Commission. Check the information at the Commission website to find out if you can apply for:


If you think you haven’t been paid everything you’re owed:

- read about Notice and final pay (www.fairwork.gov.au/Ending-employment/notice-and-final-pay/default) to find out what you should get
- see our Help resolving workplace issues (www.fairwork.gov.au/How-we-will-help/How-we-help-you/Help-resolving-workplace-issues/default) section for practical advice on:
  - talking to your employer about fixing your notice and final pay if it’s wrong
  - getting help from us if you can’t resolve it.

For employers:

- check that the right Notice and final pay (www.fairwork.gov.au/Ending-employment/notice-and-final-pay/default) has been given
- read our Help resolving workplace issues (www.fairwork.gov.au/How-we-will-help/How-we-help-you/Help-resolving-workplace-issues/default) section for practical advice on:
  - talking to fix any problems
  - getting help from us if you still can’t resolve it.

What to do next:

- Use our Notice and Redundancy Calculator (http://calculate.fairwork.gov.au/EndingEmployment) to calculate notice periods when resigning

Help for small business


You might also be interested in:


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The Fair Work Ombudsman is committed to providing advice that you can rely on. The information contained on this website is general in nature. If you are unsure about how it applies to your situation you can call our Infoline on 13 13 94 or speak with a union, industry association or workplace relations professional. Visitors are warned that this site may inadvertently contain names or pictures of Aboriginal and Torres Strait Islander people who have recently died.