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 their employment;
- ends on the last day of employment.

An employee's award, enterprise agreement, other registered agreement (www.fairwork.gov.au/AwardsAndAgreements/award-and-agreement-search/) or employment contract may set out how much notice (if any) they have to give when they resign. Employees should check the terms of those documents for information.

Under the Fair Work Act an award and agreement free (www.fairwork.gov.au/AwardsAndAgreements/award-and-agreement-search/) or enterprise agreement free (www.fairwork.gov.au/AwardsAndAgreements/enterprise-agreement-search/) arrangements, employees don't have to give notice to their employer before resigning. However, they may need to give their employer notice within their employment contract.

If as employee's contract is silent about notice, or the employee doesn't have a written contract, the employee might need to give their employer reasonable notice.

Visit our Employment contracts (www.fairwork.gov.au/AwardsAndAgreements/employment-contracts/) page to find out where to get more information about employment contract terms and conditions.

See our Wfs doesn't get notice? (www.fairwork.gov.au/AwardsAndAgreements/employment-contract-notice-and-final-pay-who-doesnt-get-notices) to find more information about when notice periods don't apply to employees.

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/AwardsAndAgreements/employment-contracts/) page 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 employer 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, or inform the employee when and how the employment will end.

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/AwardsAndAgreements/what-happens-when-employee-doesnt-work-through-notice-period/

Taking leave during a notice period
An employee can take paid annual leave during a notice period if the employer agrees to the leave.

Notice can include public holidays. They start usually extend the notice period.

An employee can take paid sick or carer's leave during a notice period if they give:
- notice of the leave as soon as possible;
- evidence if the employee asks for it (eg. medical certificate).

No paid sick leave left
An employer who has used up all their paid sick leave may be able to take unpaid leave. They would 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 haven't been paid everything you're owed.

- a mistaken notice period was agreed to (www.fairwork.gov.au/AwardsAndAgreements/notice-periods/);
- 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 Fair Work Commission's website (www.fwc.gov.au) to find information about minimum notice requirements or select your award from the list below.

Visit 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/AwardsAndAgreements/employment-contracts/) page to find out where to get advice about any other terms and conditions in the contract.

Fit for work
If you think you haven't been paid everything you're owed:
- read about Notice and final pay (www.fairwork.gov.au/AwardsAndAgreements/notice-and-final-pay/default) to find out what you should get;
- see your Notice and final pay (www.fairwork.gov.au/AwardsAndAgreements/notice-and-final-pay/default) to find out what you should get;

For employers:
- check that the Notice and final pay (www.fairwork.gov.au/AwardsAndAgreements/notice-and-final-pay/default) has been given;

What to do next:
- Use our Notice and Redundancy Calculator (http://calculate.fairwork.gov.au/EndingEmployment) to calculate notice periods when resigning;
- Find an agreement on the Fair Work Commission’s website (www.fwc.gov.au/AwardsAndAgreements/)

Help for small businesses
- Use the Fair Work Commission's website (www.fwc.gov.au/AwardsAndAgreements/)

You might also be interested in:
- Who doesn't get notice? (www.fairwork.gov.au/AwardsAndAgreements/notice-and-final-pay/who-doesnt-get-notices);
- Notice and final pay (www.fairwork.gov.au/AwardsAndAgreements/notice-and-final-pay/default);
- Unfair dismissal (www.fairwork.gov.au/AwardsAndAgreements/unfair-dismissal/);
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.