

## Who doesn't get notice?

There are some situations when a notice period doesn't apply to an employee.

### On this page:

- [When notice periods don't apply](#)
- [Apprentices and notice](#)
- [Tools and resources](#)
- [Related information](#)

### When notice periods don't apply

Notice periods don't apply to employees who:

- are casual
- are employed for a specific period of time or task (eg. a fixed term contract)
- do seasonal work
- are fired because of [serious misconduct \(www.fairwork.gov.au/Dictionary.aspx?TermID=2080\)](http://www.fairwork.gov.au/Dictionary.aspx?TermID=2080) (eg. engaging in theft, fraud or assault)
- have a training arrangement and are employed for a set period of time or for the length of the training arrangement (other than an apprentice)
- are daily hire working in the building and construction or meat industry
- are weekly hire working in connection with the meat industry and whose termination depends on seasonal factors.

### Apprentices and notice

An apprentice gets notice of termination, unless they're:

- employed for a set period of time or task, or
- fired for serious misconduct.

It can help to look at an employee's employment contract to see if they've been employed for a set period of time or task.

Source reference: [Fair Work Act 2009 s.123](http://www.comlaw.gov.au/Series/C2009A00028)  (<http://www.comlaw.gov.au/Series/C2009A00028>)

### Tools and resources

- [Difficult conversations in the workplace \(www.fairwork.gov.au/tools-and-resources/online-learning-centre/difficult-conversations-in-the-workplace-manager-course\)](http://www.fairwork.gov.au/tools-and-resources/online-learning-centre/difficult-conversations-in-the-workplace-manager-course)
- [Fair Work Commission - Unfair dismissal !\[\]\(c045a398c48fcb47adf237d338b1b391\_img.jpg\) \(https://www.fwc.gov.au/termination-of-employment/unfair-dismissal \)](https://www.fwc.gov.au/termination-of-employment/unfair-dismissal)
- [Notice and Redundancy Calculator \(http://calculate.fairwork.gov.au/EndingEmployment\)](http://calculate.fairwork.gov.au/EndingEmployment)
- [Letter of termination - serious misconduct/summary dismissal template \(DOCX 51.2KB\) \(www.fairwork.gov.au/ArticleDocuments/766/Termination-of-employment-letter-template-serious-misconduct.docx.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/766/Termination-of-employment-letter-template-serious-misconduct.docx.aspx)

### Related information

- [Notice and final pay \(www.fairwork.gov.au/Ending-employment/notice-and-final-pay/default\)](http://www.fairwork.gov.au/Ending-employment/notice-and-final-pay/default)

### 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:

- [discrimination \(www.fairwork.gov.au/Employee-entitlements/Protections-at-work/protections-from-discrimination-at-work\)](http://www.fairwork.gov.au/Employee-entitlements/Protections-at-work/protections-from-discrimination-at-work)
- 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:

- [unfair dismissal](https://www.fwc.gov.au/termination-of-employment/unfair-dismissal) <sup>☞</sup> (<https://www.fwc.gov.au/termination-of-employment/unfair-dismissal>) (not available if you lost your job because of a genuine [Redundancy](http://www.fairwork.gov.au/Ending-employment/Redundancy/default) ([www.fairwork.gov.au/Ending-employment/Redundancy/default](http://www.fairwork.gov.au/Ending-employment/Redundancy/default)) )
- a [general protections dismissal](https://www.fwc.gov.au/termination-employment/general-protections-dismissal) <sup>☞</sup> (<https://www.fwc.gov.au/termination-employment/general-protections-dismissal>)
- [unlawful termination](https://www.fwc.gov.au/termination-employment/unlawful-termination) <sup>☞</sup> (<https://www.fwc.gov.au/termination-employment/unlawful-termination>) .

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

- read about [Notice and final pay](http://www.fairwork.gov.au/Ending-employment/notice-and-final-pay/default) ([www.fairwork.gov.au/Ending-employment/notice-and-final-pay/default](http://www.fairwork.gov.au/Ending-employment/notice-and-final-pay/default)) to find out what you should get
- see our [Fixing a workplace problem](http://www.fairwork.gov.au/workplace-problems/fixing-a-workplace-problem/default) ([www.fairwork.gov.au/workplace-problems/fixing-a-workplace-problem/default](http://www.fairwork.gov.au/workplace-problems/fixing-a-workplace-problem/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](http://www.fairwork.gov.au/Ending-employment/notice-and-final-pay/default) ([www.fairwork.gov.au/Ending-employment/notice-and-final-pay/default](http://www.fairwork.gov.au/Ending-employment/notice-and-final-pay/default)) has been given
- read our [Fixing a workplace problem](http://www.fairwork.gov.au/workplace-problems/fixing-a-workplace-problem/default) ([www.fairwork.gov.au/workplace-problems/fixing-a-workplace-problem/default](http://www.fairwork.gov.au/workplace-problems/fixing-a-workplace-problem/default)) section for practical advice on:
  - talking to fix any problems
  - getting help from us if you still can't resolve it.

### Help for small business

Find tools, resources and information you might need in our [Small business showcase](http://www.fairwork.gov.au/small-business-showcase/default) ([www.fairwork.gov.au/small-business-showcase/default](http://www.fairwork.gov.au/small-business-showcase/default)) .

Page reference No: 2019

## Contact us

Fair Work Online: [www.fairwork.gov.au](http://www.fairwork.gov.au)

Fair Work Infoline: 13 13 94

Need language help?

Contact the Translating and Interpreting Service (TIS) on 13 14 50

Hearing & speech assistance

Call through the National Relay Service (NRS):

For TTY: 13 36 77. Ask for the Fair Work Infoline 13 13 94

Speak & Listen: 1300 555 727. Ask for the Fair Work Infoline 13 13 94

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.