

## Notice & final pay

A notice period is the length of time that an employee or employer has to give to end employment.

Use our [Notice and Redundancy Calculator \(http://calculate.fairwork.gov.au/EndingEmployment\)](http://calculate.fairwork.gov.au/EndingEmployment) to calculate notice and redundancy entitlements.

Look at:

- [Dismissal - how much notice? \(www.fairwork.gov.au/ending-employment/notice-and-final-pay/dismissal-how-much-notice\)](http://www.fairwork.gov.au/ending-employment/notice-and-final-pay/dismissal-how-much-notice) to find out how much notice an employer must give
- [Resignation - how much notice? \(www.fairwork.gov.au/ending-employment/notice-and-final-pay/resignation-how-much-notice\)](http://www.fairwork.gov.au/ending-employment/notice-and-final-pay/resignation-how-much-notice) to find out how much notice an employee must give
- [Who doesn't get notice? \(www.fairwork.gov.au/ending-employment/notice-and-final-pay/who-doesnt-get-notice\)](http://www.fairwork.gov.au/ending-employment/notice-and-final-pay/who-doesnt-get-notice) to find out when notice periods apply.

Use our [Hairdressing Assist \(http://endingemployment.fairwork.gov.au\)](http://endingemployment.fairwork.gov.au) tool if you're ending work in the hairdressing industry.

### How to give notice

To end an employee's employment (also known as firing or terminating employment), an employer has to give them written notice of their last day of employment.

An employer can give notice to the employee by:

- delivering it personally
- leaving it at the employee's last known address, or
- sending it by pre-paid post to the employee's last known address.

Employees who are resigning don't need to give notice in writing - they can give it verbally.

### Can notice be paid out instead of worked?

Yes. An employer can :

- let the employee work through their notice period
- pay it out to them (also known as pay in lieu of notice), or
- give a combination of the two.

If the employer pays out the notice, the amount paid to the employee must equal the full amount the employee would have been paid if they worked until the end of the notice period. This includes:

- incentive-based payments and bonuses
- loadings
- monetary allowances
- overtime
- penalty rates
- any other separately identifiable amounts.

If the employer pays out the notice, the employee does not accrue any annual leave for the notice period they were paid out for.

If the employer doesn't pay out the notice, the employee needs to work out the whole notice period.

### Notice during probation periods

If an employee's employment is ended while they're on probation, they still have to get or be paid out notice based on their length of service.

### Serious misconduct

When an employee is terminated on the grounds of [serious misconduct \(www.fairwork.gov.au/Dictionary.aspx?TermID=2080\)](http://www.fairwork.gov.au/Dictionary.aspx?TermID=2080) , the

employer does not have to provide any notice of termination. However, the employer does have to pay the employee all outstanding entitlements such as payment for time worked, annual leave and sometimes long service leave. Whether an employer needs to pay out long service leave ([www.fairwork.gov.au/leave/long-service-leave](http://www.fairwork.gov.au/leave/long-service-leave)) depends on where the entitlement comes from, usually state or territory long service leave laws.

Serious misconduct involves an employee deliberately behaving in a way that is inconsistent with continuing their employment. Examples include:

- causing serious and imminent risk to the health and safety of another person or to the reputation or profits of their employer's business
- theft, fraud, assault, or
- refusing to carry out a lawful and reasonable instruction that is part of the job.

Source reference: [Fair Work Act 2009 s.117](http://www.comlaw.gov.au/Series/C2009A00028) [☞](http://www.comlaw.gov.au/Details/C2014C00031) (<http://www.comlaw.gov.au/Series/C2009A00028>) (<http://www.comlaw.gov.au/Details/C2014C00031>)

### What to do next

- Use our [Notice and Redundancy Calculator](http://calculate.fairwork.gov.au/EndingEmployment) (<http://calculate.fairwork.gov.au/EndingEmployment>) to check termination entitlements
- Use the [Letter of termination of employment template](http://www.fairwork.gov.au/ArticleDocuments/766/Termination-of-employment-letter-template.docx.aspx) (DOCX 37.6KB) ([www.fairwork.gov.au/ArticleDocuments/766/Termination-of-employment-letter-template.docx.aspx](http://www.fairwork.gov.au/ArticleDocuments/766/Termination-of-employment-letter-template.docx.aspx))
- Check what needs to be paid out in the [Final pay](http://www.fairwork.gov.au/Ending-employment/notice-and-final-pay/final-pay) ([www.fairwork.gov.au/Ending-employment/notice-and-final-pay/final-pay](http://www.fairwork.gov.au/Ending-employment/notice-and-final-pay/final-pay))
- Go to the [Department of Human Services website](https://www.humanservices.gov.au/organisations/business/services/centrelink/employment-status-verification) [☞](https://www.humanservices.gov.au/organisations/business/services/centrelink/employment-status-verification) (<https://www.humanservices.gov.au/organisations/business/services/centrelink/employment-status-verification>) for information about giving or receiving a separation certificate.

### Help for small business

- Use the [Small Business Fair Dismissal Code and checklist](https://www.fairwork.gov.au/ArticleDocuments/715/Small-Business-Fair-Dismissal-Code-2011.docx.aspx) (DOCX 25.5KB) (<https://www.fairwork.gov.au/ArticleDocuments/715/Small-Business-Fair-Dismissal-Code-2011.docx.aspx>) (PDF 220.4KB) (<https://www.fairwork.gov.au/ArticleDocuments/715/Small-Business-Fair-Dismissal-Code-2011.pdf.aspx>) to make sure that a dismissal is fair
- Find tools, resources and information you might need on our [Small business page](http://www.fairwork.gov.au/Find-help-for/Small-business/default) ([www.fairwork.gov.au/Find-help-for/Small-business/default](http://www.fairwork.gov.au/Find-help-for/Small-business/default)) .

### You might also be interested in:

- [Unfair dismissal](http://www.fairwork.gov.au/Ending-employment/unfair-dismissal) ([www.fairwork.gov.au/Ending-employment/unfair-dismissal](http://www.fairwork.gov.au/Ending-employment/unfair-dismissal))
- [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))
- [Bankruptcy and liquidation](http://www.fairwork.gov.au/Ending-employment/bankruptcy-and-liquidation) ([www.fairwork.gov.au/Ending-employment/bankruptcy-and-liquidation](http://www.fairwork.gov.au/Ending-employment/bankruptcy-and-liquidation))
- [Small Business Fair Dismissal Code Checklist](https://www.fairwork.gov.au/ArticleDocuments/715/Small-Business-Fair-Dismissal-Code-2011.docx.aspx) (DOCX 25.5KB) (<https://www.fairwork.gov.au/ArticleDocuments/715/Small-Business-Fair-Dismissal-Code-2011.docx.aspx>) (PDF 220.4KB) (<https://www.fairwork.gov.au/ArticleDocuments/715/Small-Business-Fair-Dismissal-Code-2011.pdf.aspx>)

Page reference No: 1972

### 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.