

Who doesn't get redundancy pay?

Some employees don't get redundancy payments when their job is made redundant.

The following employees don't get redundancy pay:

- employees whose period of continuous service (www.fairwork.gov.au/Dictionary.aspx?TermID=2141) with the employer is less than 12 months
- employees employed for:
 - a stated period of time
 - an identified task or project
 - a particular season
- employees terminated because of serious misconduct (www.fairwork.gov.au/Dictionary.aspx?TermID=2080)
- casual employees
- trainees engaged only for the length of the training agreement
- apprentices
- employees terminated because of ordinary and customary turnover of labour (www.fairwork.gov.au/library/k600432_redundancy-the-ordinary-customary-turnover-of-labour) .

There are special arrangements for employees whose employment transfers when the business they work for is sold. Find out more on our When businesses change owners (www.fairwork.gov.au/Employee-entitlements/When-businesses-change-owners/default) page.

Employees of small businesses

A small business is one that employs fewer than 15 employees. Some small businesses don't have to pay redundancy pay when making an employee redundant.

To see if small businesses need to pay redundancy pay, select your industry in Redundancy pay and entitlements (www.fairwork.gov.au/Ending-employment/Redundancy/redundancy-pay-and-entitlements/default) .

To figure out whether the business is a small business, count all employees employed at the time of the dismissal including:

- the employee and any other employees being terminated at that time
- regular and systematic casual employees employed by the business at the time of the redundancy (not all casual employees)
- employees of associated entities (www.fairwork.gov.au/Dictionary.aspx?TermID=2116) , including those based overseas.

The time of dismissal is when an employer provides an employee with their notice of termination. It doesn't matter if an employee works out their notice period or not.

Source reference: Fair Work Act 2009 s.23, 121 and 123 (<http://www.comlaw.gov.au/Details/C2009A00028>)

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)
- 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>) (not available if you lost your job because of a genuine Redundancy (www.fairwork.gov.au/Ending-employment/Redundancy/default))
- a general protections dismissal (<https://www.fwc.gov.au/termination-employment/general-protections-dismissal>)
- unlawful termination (<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 \(www.fairwork.gov.au/Ending-employment/notice-and-final-pay/default\)](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 \(www.fairwork.gov.au/workplace-problems/fixing-a-workplace-problem/default\)](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 \(www.fairwork.gov.au/Ending-employment/notice-and-final-pay/default\)](http://www.fairwork.gov.au/Ending-employment/notice-and-final-pay/default) has been given
- read our [Fixing a workplace problem \(www.fairwork.gov.au/workplace-problems/fixing-a-workplace-problem/default\)](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.

What to do next

- Visit [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) for information on final payments to employees
- Visit the [Australian Tax Office \(https://www.ato.gov.au/Individuals/Working/Working-as-an-employee/Leaving-your-job/Redundancy-payments/\)](https://www.ato.gov.au/Individuals/Working/Working-as-an-employee/Leaving-your-job/Redundancy-payments/) to learn about redundancy tax payments

Help for small business

- Use the [Small Business Fair Dismissal Code and checklist \(DOCX 25.5KB\) \(https://www.fairwork.gov.au/ArticleDocuments/715/Small-Business-Fair-Dismissal-Code-2011.docx.aspx\)](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 \(www.fairwork.gov.au/Find-help-for/Small-business/default\)](http://www.fairwork.gov.au/Find-help-for/Small-business/default) .

You might also be interested in

- [Redundancy \(www.fairwork.gov.au/Ending-employment/Redundancy/default\)](http://www.fairwork.gov.au/Ending-employment/Redundancy/default)
- [Bankruptcy and liquidation \(www.fairwork.gov.au/Ending-employment/bankruptcy-and-liquidation\)](http://www.fairwork.gov.au/Ending-employment/bankruptcy-and-liquidation)
- [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)
- [Unfair dismissal \(www.fairwork.gov.au/ending-employment/unfair-dismissal\)](http://www.fairwork.gov.au/ending-employment/unfair-dismissal)
- [Consultation and cooperation in the workplace best practice guide \(www.fairwork.gov.au/how-we-will-help/templates-and-guides/best-practice-guides/consultation-and-cooperation-in-the-workplace\)](http://www.fairwork.gov.au/how-we-will-help/templates-and-guides/best-practice-guides/consultation-and-cooperation-in-the-workplace)

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Contact us

Fair Work Online: 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.