

I've been fired and I'm not sure what I'm entitled to

For an employee, losing your job or being terminated can be upsetting. It can happen for several reasons including redundancy, dismissal or because the business has closed.

Follow our step-by-step guide to see if you've been given enough notice and what your entitlements are.

On this page:

- [How to check you've been given the correct notice and entitlements](#)
- [Before you start - information you need](#)
- [Steps to take](#)
- [Example: Not enough notice](#)
- [If you need more support](#)
- [Other common workplace problems](#)
- [Tools and resources](#)
- [Related information](#)

How to check you've been given the correct notice and entitlements

Often, the best way to make sure you're getting all your entitlements when your employment ends is to speak with your employer. It's worth preparing first.

Before you start – information you need

- Any relevant letters or emails from your employer
- Information from our (www.fairwork.gov.au/ending-employment/notice-and-final-pay/dismissal-and-notice) [Notice and pay requirements for dismissal](#) (www.fairwork.gov.au/ending-employment/notice-and-final-pay/dismissal-how-much-notice) , [Redundancy](#) (www.fairwork.gov.au/ending-employment/redundancy/default) and [Final pay](#) (www.fairwork.gov.au/ending-employment/notice-and-final-pay/final-pay) pages
- (www.fairwork.gov.au/ending-employment/notice-redundancy-calculator) [Pay and Conditions Tool](#) (www.fairwork.gov.au/ending-employment/notice-and-redundancy-calculator) to work out your notice and redundancy entitlements

Steps to take

1. Understand your situation

- Check why your employment is ending. Your job may no longer be needed by the business ([redundancy](http://www.fairwork.gov.au/ending-employment/redundancy/default) (www.fairwork.gov.au/ending-employment/redundancy/default)) or you may be terminated ((www.fairwork.gov.au/ending-employment/notice-and-final-pay/dismissal-and-notice) dismissed (www.fairwork.gov.au/ending-employment/notice-and-final-pay/dismissal-how-much-notice)). This could affect the notice you should be given and what you should be paid.
- Collect any letters, texts or emails your employer has sent you about your employment ending.
- Check [Who doesn't get notice](#) (www.fairwork.gov.au/ending-employment/notice-and-final-pay/who-doesnt-get-notice) . You won't be entitled to notice if your employer dismissed you for serious misconduct, or if you're a casual employee.
- Check [Who doesn't get redundancy pay](#) (www.fairwork.gov.au/ending-employment/redundancy/who-doesnt-get-redundancy-pay) . Not all employees are entitled to redundancy pay when their job is made redundant.
- Know which award covers you using (www.fairwork.gov.au/employment-conditions/awards/find-my-award) [Find my award](#) (www.fairwork.gov.au/awards-and-agreements/awards/find-my-award) .
- Check if you're covered by an (www.fairwork.gov.au/employment-conditions/contracts) employment contract (www.fairwork.gov.au/awards-and-agreements/employment-contracts) or if you're covered by an enterprise agreement, check the [Fair Work Commission](https://www.fwc.gov.au/) (<https://www.fwc.gov.au/>) website. You might be entitled to a longer notice period than the award says.
- Calculate final pay and notice using our [Pay and Conditions Tool](#) (www.fairwork.gov.au/ending-employment/notice-and-redundancy-calculator) .

2. Check if your employer has followed the rules

- Check whether your employer complied with their redundancy or dismissal obligations specific to your award. Most awards have a

clause about redundancy and dismissal.

- If you think you've been dismissed unfairly, find out more on our [Unfair dismissal page \(www.fairwork.gov.au/ending-employment/unfair-dismissal\)](http://www.fairwork.gov.au/ending-employment/unfair-dismissal) .

3. Speak with your employer

- Speak with your employer first if they haven't followed their obligations or you have questions about the dismissal. Make a time that suits you both.
- Prepare for the discussion. Write down what you want to get out of the meeting and list out talking points. Our online courses can help you prepare for [difficult conversations \(www.fairwork.gov.au/tools-and-resources/online-learning-centre/difficult-conversations-in-the-workplace-employee-course\)](http://www.fairwork.gov.au/tools-and-resources/online-learning-centre/difficult-conversations-in-the-workplace-employee-course) .
- Bring a support person along to the meeting if that helps you. Sometimes this can help you remember what was said.
- Be calm at the meeting. Discuss your situation with your employer, and show them the information you've found. Follow up in writing after the meeting.

4. Follow up the meeting with your employer

- Allow time, for example one week, for your employer to respond to the issues raised at the meeting.
- Follow up on your employer's response.
- Try to reach agreement with your employer about ending your employment. Contact us if you can't resolve the issue and need more support.

Example: Not enough notice

Ahmed is a 35 year old delivery driver for a large courier company. His employer told him the company was downsizing and they didn't need as many drivers. His job was being made redundant. Ahmed had been employed for just over 5 years and was given one week's notice before his last day. He didn't think that was right.

Ahmed checked his award, the Road Transport Award. For his 5 years service, Ahmed worked out that his employer should have given him 4 weeks notice plus 10 weeks redundancy pay.

He spoke to his boss, Bill. Ahmed showed Bill what the Road Transport Award said about his entitlements when being made redundant. This included his correct notice period and redundancy pay for his 5 years of service. Bill said he couldn't keep Ahmed on for the extra 3 weeks of the notice period. The company was selling the delivery van that week.

Bill paid Ahmed for the remaining 3 weeks of the notice period (4 weeks in total) and the 10 weeks redundancy pay.

If you need more support

Most workplace problems can be solved without us getting involved, but this isn't always possible.

You may need more help if, for example:

- You believe your dismissal was unfair. The Fair Work Commission (the Commission) (<https://www.fwc.gov.au/termination-of-employment/unfair-dismissal>)  decides on cases of unfair dismissal. Find out more on our [Unfair dismissal page \(www.fairwork.gov.au/ending-employment/unfair-dismissal\)](http://www.fairwork.gov.au/ending-employment/unfair-dismissal) .
- Employees need to apply to the Commission within 21 days of the dismissal taking effect. The 21-day period starts the day after the dismissal.
- Your contract offered a longer notice period than your award. If it did and it was not followed, you may need [legal advice \(www.fairwork.gov.au/website-information/related-sites\)](http://www.fairwork.gov.au/website-information/related-sites) .

You can [contact us \(www.fairwork.gov.au/about-us/contact-us/default\)](http://www.fairwork.gov.au/about-us/contact-us/default) for our help if:

- Your employer won't follow the rules for ending employment or you can't reach an agreement with them.
- Protected actions weren't respected. Australian laws protect people from being dismissed for discussing a problem at work, joining a union, a discriminatory reason such as race or gender or pregnancy or other [Protections at work \(www.fairwork.gov.au/employment-conditions/protected-actions-at-work/default\)](http://www.fairwork.gov.au/employment-conditions/protected-actions-at-work/default) .
- Your employer dismissed you as an employee and rehired you as a contractor to do the same work. You can check with us if this is a [sham contract \(www.fairwork.gov.au/workplace-problems/common-workplace-problems/i-think-i-could-be-an-employee-not-a-contractor\)](http://www.fairwork.gov.au/workplace-problems/common-workplace-problems/i-think-i-could-be-an-employee-not-a-contractor) .
- Your employer threatens to cancel your visa. Only the Department of Home Affairs (Home Affairs) can cancel visas, not your boss. We have an arrangement with Home Affairs that supports visa holders when they ask for our help with a workplace problem. Visa holders can ask for our help without fear of visa cancellation, even if they've breached their work-related visa conditions. This

arrangement is called the Assurance Protocol. Read more on our [Visa holders and migrants \(www.fairwork.gov.au/find-help-for/visa-holders-migrants/visa-holders-and-migrants\)](http://www.fairwork.gov.au/find-help-for/visa-holders-migrants/visa-holders-and-migrants) page.

Find out how we can help. Visit [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).

Other common workplace problems

- [My pay doesn't seem right \(www.fairwork.gov.au/workplace-problems/common-workplace-problems/my-pay-doesnt-seem-right\)](http://www.fairwork.gov.au/workplace-problems/common-workplace-problems/my-pay-doesnt-seem-right)
- [Help with bullying in the workplace \(www.fairwork.gov.au/workplace-problems/common-workplace-problems/help-with-bullying-in-the-workplace\)](http://www.fairwork.gov.au/workplace-problems/common-workplace-problems/help-with-bullying-in-the-workplace)
- [I'm not getting pay slips \(www.fairwork.gov.au/workplace-problems/common-workplace-problems/im-not-getting-pay-slips\)](http://www.fairwork.gov.au/workplace-problems/common-workplace-problems/im-not-getting-pay-slips)
- [I think I could be in a sham contracting arrangement \(www.fairwork.gov.au/workplace-problems/common-workplace-problems/i-think-i-could-be-an-employee-not-a-contractor\)](http://www.fairwork.gov.au/workplace-problems/common-workplace-problems/i-think-i-could-be-an-employee-not-a-contractor)
- [I'm a migrant worker being treated unfairly \(www.fairwork.gov.au/workplace-problems/common-workplace-problems/im-a-migrant-worker-being-treated-unfairly\)](http://www.fairwork.gov.au/workplace-problems/common-workplace-problems/im-a-migrant-worker-being-treated-unfairly)

Tools and resources

- [An employee's guide to resolving workplace issues \(DOCX 397.2KB\) \(www.fairwork.gov.au/ArticleDocuments/712/an-employees-guide-to-resolving-workplace-issues.docx.aspx\)](http://www.fairwork.gov.au/employment-conditions/awards/find-my-award) [\(PDF 570.8KB\) \(www.fairwork.gov.au/ArticleDocuments/712/an-employees-guide-to-resolving-workplace-issues.pdf.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/712/an-employees-guide-to-resolving-workplace-issues.pdf.aspx)
- [Find my award \(www.fairwork.gov.au/awards-and-agreements/awards/find-my-award\)](http://www.fairwork.gov.au/awards-and-agreements/awards/find-my-award)
- [Pay and Conditions Tool \(www.fairwork.gov.au/ending-employment/notice-and-redundancy-calculator\)](http://www.fairwork.gov.au/ending-employment/notice-redundancy-calculator)
- [Difficult conversations in the workplace employee online course \(www.fairwork.gov.au/tools-and-resources/online-learning-centre/difficult-conversations-in-the-workplace-employee-course\)](http://www.fairwork.gov.au/tools-and-resources/online-learning-centre/difficult-conversations-in-the-workplace-employee-course)
- [Ending employment fact sheet \(www.fairwork.gov.au/tools-and-resources/fact-sheets/minimum-workplace-entitlements/ending-employment\)](http://www.fairwork.gov.au/tools-and-resources/fact-sheets/minimum-workplace-entitlements/ending-employment)

Related information

- [An employee's guide to resolving workplace issues \(DOCX 397.2KB\) \(www.fairwork.gov.au/ArticleDocuments/712/an-employees-guide-to-resolving-workplace-issues.docx.aspx\)](http://www.fairwork.gov.au/employment-conditions/awards/find-my-award) [\(PDF 570.8KB\) \(www.fairwork.gov.au/ArticleDocuments/712/an-employees-guide-to-resolving-workplace-issues.pdf.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/712/an-employees-guide-to-resolving-workplace-issues.pdf.aspx)
- [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)
- [Redundancy pay & entitlements \(www.fairwork.gov.au/ending-employment/redundancy/redundancy-pay-and-entitlements/default\)](http://www.fairwork.gov.au/ending-employment/redundancy/redundancy-pay-and-entitlements/default)
- [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)
- [Fair Work Commission \(the Commission\) !\[\]\(67ff022fd78f943b679992c2874bbfd1_img.jpg\)](https://www.fwc.gov.au/termination-of-employment/unfair-dismissal) [\(https://www.fwc.gov.au/termination-of-employment/unfair-dismissal\)](https://www.fwc.gov.au/termination-of-employment/unfair-dismissal)

Page reference No: 9949

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.