

My employee left without giving notice

Employees may need to give notice under their award, registered agreement or employment contract when ending their employment. Employees can give notice verbally or in writing. Use our step-by-step guide for information about your options if your employee has left without giving notice.

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How to check notice requirements

Before you start - information you need

- Rules 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) .
- Rules about [Deducting pay and overpayments \(www.fairwork.gov.au/pay/deducting-pay-and-overpayments\)](http://www.fairwork.gov.au/pay/deducting-pay-and-overpayments) .
- The employee's award or registered agreement - use [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) or find your award on our [List of awards page \(www.fairwork.gov.au/awards-and-agreements/awards/list-of-awards/list-of-awards\)](http://www.fairwork.gov.au/awards-and-agreements/awards/list-of-awards/list-of-awards) .
- Information about the employee's final pay entitlements - see [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) or use our [Pay and Conditions Tool \(https://calculate.fairwork.gov.au/EndingEmployment\)](https://calculate.fairwork.gov.au/EndingEmployment) to work out the correct entitlements.

Steps to take

1. Check if and how an employee needs to give notice

- Check the award or registered agreement for information about whether your employee needs to give notice. Find your award on our [List of awards \(www.fairwork.gov.au/awards-and-agreements/awards/list-of-awards/list-of-awards\)](http://www.fairwork.gov.au/awards-and-agreements/awards/list-of-awards/list-of-awards) or use [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) if you're not sure which award applies.
- Read the award or registered agreement to confirm what notice period an employee needs to give, if any, when they resign.
- If no notice period applies then you can try to talk to your employee about giving you some notice so you have time to find someone else. You have to pay them all of their entitlements and can't force them to give you notice.

2. Check if you can deduct an amount for notice not given from final pay

- Check the award or registered agreement for information about withholding pay when minimum notice isn't given. Deductions from an employee's pay can only be made under certain conditions. If the award or registered agreement doesn't allow deduction of pay when the minimum amount of notice isn't given, you have to pay them all of their entitlements.
- Make sure you know the correct deduction, if you can make one at all. If the award allows you to deduct pay for notice that was not given, you can only deduct money from wages. You can't deduct from other entitlements, such as accumulated leave or other award payments.
- Any deduction made must be reasonable.

3. Pay the employee's final pay

- Check the [Final pay page \(www.fairwork.gov.au/ending-employment/notice-and-final-pay/final-pay\)](http://www.fairwork.gov.au/ending-employment/notice-and-final-pay/final-pay) to see what needs to be included in the final pay.
- Pay the final pay owed to the employee. The employee's award will set out when final pay needs to be paid by.

- If there are any allowable deductions (www.fairwork.gov.au/pay/deducting-pay-and-overpayments) , they must be clearly recorded on the final pay slip.

Example: Employee failed to show up for work - not required to give notice

Max was a waiter at an Italian restaurant. He started there soon after he turned 20 years old and had worked 8 months. One day he didn't show up for his shift. The restaurant manager, Diana, phoned him to find out where he was. Max said he wasn't coming back because he'd found another job.

Diana checked the award for what obligations Max had for giving notice. She found that, as a casual under the Restaurant Award, Max did not have to give any notice.

Diana wanted to know if she could withhold wages from Max's final pay for not giving notice. Since he was over 18 and didn't have to give notice, the Restaurant Award did not allow her to deduct any wages from his final pay.

Best practice tip

Young workers are often unaware of the laws that apply to their employment. It can be helpful to explain the basics of the employment relationship to your young workers. That way, the young worker knows where they stand.

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If you need more support

If you can't resolve the issue in the workplace using these steps, visit our [Fixing a workplace problem page \(www.fairwork.gov.au/workplace-problems/fixing-a-workplace-problem/default\)](http://www.fairwork.gov.au/workplace-problems/fixing-a-workplace-problem/default) .

To ask for our help with workplace information, [log in \(www.fairwork.gov.au/my-account/default\)](http://www.fairwork.gov.au/my-account/default) or [register \(www.fairwork.gov.au/my-account/register\)](http://www.fairwork.gov.au/my-account/register) for My account to:

- use web chat to ask a quick question
- submit an enquiry for help with more complex questions.

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Other common workplace problems

- [I'm not sure what to pay my employees \(www.fairwork.gov.au/workplace-problems/common-workplace-problems/im-not-sure-what-to-pay-my-employees\)](http://www.fairwork.gov.au/workplace-problems/common-workplace-problems/im-not-sure-what-to-pay-my-employees)
- [I'm not sure which award covers my business \(www.fairwork.gov.au/workplace-problems/common-workplace-problems/im-not-sure-which-award-covers-my-business\)](http://www.fairwork.gov.au/workplace-problems/common-workplace-problems/im-not-sure-which-award-covers-my-business)
- [My employee isn't doing their job properly \(www.fairwork.gov.au/workplace-problems/common-workplace-problems/my-employee-isnt-doing-their-job-properly\)](http://www.fairwork.gov.au/workplace-problems/common-workplace-problems/my-employee-isnt-doing-their-job-properly)
- [I think I've underpaid my employee \(www.fairwork.gov.au/workplace-problems/common-workplace-problems/i-think-ive-underpaid-my-employee\)](http://www.fairwork.gov.au/workplace-problems/common-workplace-problems/i-think-ive-underpaid-my-employee)

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Tools and resources

- [Pay and Conditions Tool \(https://calculate.fairwork.gov.au/EndingEmployment\)](https://calculate.fairwork.gov.au/EndingEmployment)
- [Difficult conversations in the workplace - manager course \(www.fairwork.gov.au/tools-and-resources/online-learning-centre/difficult-conversations-in-the-workplace-manager-course\)](http://www.fairwork.gov.au/tools-and-resources/online-learning-centre/difficult-conversations-in-the-workplace-manager-course)
- [An employer's guide to employing young workers \(www.fairwork.gov.au/tools-and-resources/best-practice-guides/employing-young-workers\)](http://www.fairwork.gov.au/tools-and-resources/best-practice-guides/employing-young-workers)

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Related information

- [Resignation and 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)
- [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)
- [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)
- [Small business showcase \(www.fairwork.gov.au/small-business-showcase/default\)](http://www.fairwork.gov.au/small-business-showcase/default)

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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.