



Have you been fired, or forced to resign?

You could have an unfair dismissal claim

What IS UNFAIR DISMISSAL?

An Unfair Dismissal is when your employment has been terminated at the initiative of your employer

OR when you were forced by your employer to resign



What are the remedies?

Reinstatement

An order can be made to return to the position you occupied immediately prior to the dismissal or an equivalent position

Compensation

The total amount is capped at the lesser of:

- Total amount of remuneration received by the person in the 26 week period immediately before the dismissal; or
- Half the high income threshold immediately prior to the dismissal (The figure for this FY 2017 is \$138,900) (FY 2018 is \$142,000)

Written Statement of Service

Letter from your employer providing details of your position, period of service and summary of duties

What do I need to show?

1. Was there a dismissal?
2. Was the dismissal harsh, unjust or unreasonable?
3. Was the dismissal not consistent with the Small Business Fair Dismissal Code?
4. Was the dismissal not a case of genuine redundancy?

These are the steps



Form F2 Application

An application must be lodged within 21 days from the date of dismissal or forced resignation



Employer responds

The Employer must respond to the application and forward a copy to you and the Fair Work Commission



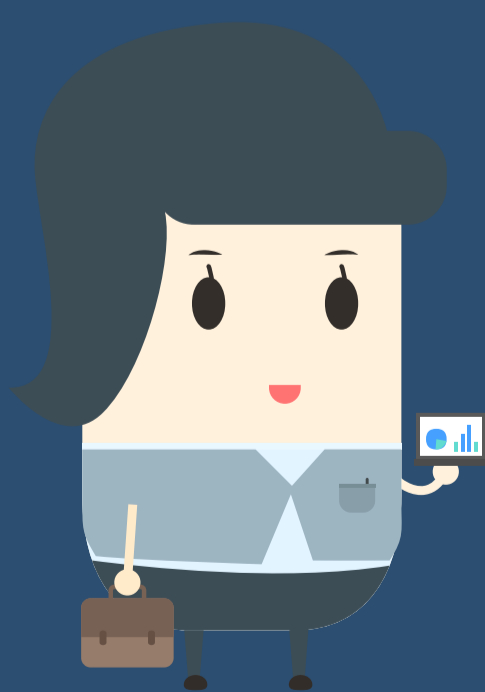
Teleconference

A conciliator is appointed by the Commission and all parties attend by telephone



Court

If the parties cannot settle or agree, the matter proceeds to Court



THE FAIR WORK COMMISSION REQUIRES AN APPLICATION TO BE FILED WITHIN 21 DAYS OF THE DISMISSAL OR RESIGNATION TOOK PLACE. THIS IS A STRICT TIME LIMIT. DELAYS WILL ONLY BE ALLOWED WHEN THERE ARE EXCEPTIONAL CIRCUMSTANCES

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**Call us now for a
free consultation!**

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