

Rights for redundancy

Jobs for life are a thing of the past, but when you're made redundant, it can be awful.

Many Australians will experience redundancy at some point in their working lives. It happens. Organisations evolve and change and sometimes your job is no longer needed for genuine reasons such as:

- New technology
- A slowdown in demand for the organisation's product
- The business is sold, or an organisation's functions contracted out
- Your department or business is restructured
- The business becomes insolvent

So, if you're made redundant, here's what you need to know:

- **Do I have a say?** The Fair Work Act 2009 says you must be consulted when there are major changes to the workplace, such as redundancies. Your employer has to notify you as soon as possible, give information about the proposed changes, discuss the steps taken to avoid the redundancy, minimise negative effects on employees, and consider your ideas or suggestions about the changes.
- **Will I get redundancy pay?** Australians who are made redundant will often receive redundancy pay. But there are a number of exceptions to the rule. For example, you may not be entitled to redundancy pay if:
 - You've been employed for less than 12 months
 - Your role is short term, casual or you're a trainee or apprentice
 - You're employed by a small business of less than 15 employees

If you're covered by a [registered agreement](#) relating to your industry, check the terms of your agreement as well as the Fair Work Ombudsman's [Notice and Redundancy Calculator](#).

- **Does my employer have to give notice?** Yes. The notice period depends on the number of years of continuous service you've had with the organisation. Some industries such as [construction](#) give extra weeks' notice if you're over a

certain age. What's more, most employees are entitled to a paid day off during the notice period to look for work.

- **When is redundancy unlawful?** In Australia, an employer can't use redundancy to dismiss you for reasons such as poor performance or personality issues. A genuine redundancy is when your job is no longer needed. If your dismissal is not genuine, it's classed as an "unfair" redundancy. In this case, you can take an [unfair dismissal claim](#) to the Fair Work Commission.
- **What should my final pay include?** It's a good idea to check your final pay as the calculation can be complex. It should include any outstanding wages, penalty payments, allowances, accumulated annual leave and if it applies, annual leave loading, long service leave and redundancy pay. Also check that you have been taxed correctly.

Finally, one of the best defences you have is understanding your entitlements, says the Ombudsman's office. Workers can use the self-help tools available on the Ombudsman's website at <https://www.fairwork.gov.au/> to determine what their entitlements are. You can also obtain free advice and assistance via the Fair Work Infoline on 13 13 94.

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