

## Unfair Dismissal



### What is unfair dismissal?

An unfair dismissal is where the employer has not followed a fair process or has reached a decision to terminate the employees' employment for a reason that is unfair (often defined as 'harsh, unjust or unreasonable').

If you've been terminated...

- Was there no valid reason for the dismissal in relation to your capacity or conduct?
- Were you not notified if there was a reason?
- Were you not given an opportunity to respond to the allegations?
- Were you refused to have a support person present at any meetings?
- And the dismissal was based on performance, had you ever been warned prior to this?

If you ticked yes to any of these you may have been, unfairly dismissed

You are eligible to make an application if you have completed the minimum employment period of:

12 Months

Where there are **less** than 15 other employees

### What can I do?

There are a number of grounds on which you may dispute the termination of your employment. The termination can be contested if it was unfair. Complaints about unfair dismissal are generally made to either Fair Work Australia (FWA) or the Queensland Industrial Relations Commission (QIRC).

Note, you will not be successful in your application if you were dismissed on the grounds of misconduct for example if you have refused to carry out lawful and reasonable instruction consistent with the employment contract or you have executed deliberate behaviour that is inconsistent with the continuation of your contract.

### Things to consider

- The time limit is 14 days after termination takes effect. This can be extended by FWA in exceptional circumstances.
- A conciliation conference will be conducted by FWA usually via telephone.

### Where can I go for more information and advice?

**Young Workers Advisory Service**

1800 232 000

[www.ywas.org](http://www.ywas.org)

**Fair Work Australia**

13 13 94

[www.fwa.gov.au](http://www.fwa.gov.au)

**Queensland Workplace Rights**

1300 737 841

[www.qwro.qld.gov.au](http://www.qwro.qld.gov.au)

**Ombudsmen**

**Queensland Council of Unions**

3846 2468

[www.qcu.asn.au](http://www.qcu.asn.au)

**(Union information)**

