

## IMPORTANT NUMBERS FOR EMPLOYERS AND EMPLOYEES

Do you know what numbers are important for employers and employees under the *Fair Work Act*? With the phase in of the *Fair Work Act* over the last 12 months there have been a number of changes that have taken place which affect employment rights and many of these rights are dependant on numbers.

With regard to unfair dismissal rights important numbers are 6, 12, 14, 15 and \$113,799.

- 6 and 12 refer to the number of months of service an employee must have with an employer before unfair dismissal protection arises - six months for large employers and 12 months for small employers.
- 15 is important as it is the number which determines whether an employer is considered small or not. The *Fair Work Act* defines small employers as those employers with less than 15 employees. Previously under WorkChoices small employers were those with less than 101 employees and they were completely exempted from unfair dismissal claims.
- 14 is important as that is the number of days an employee has to bring an unfair dismissal claim after employment is terminated - previously this was 21 days.
- \$113,799 is important as employees who earn more remuneration than this are excluded from bringing unfair dismissal claims unless an award or enterprise agreement covers them.

For redundancy 12 and 15 are important as under the new National Employment Standards (NES) employees are only entitled to redundancy payments if their employer has 15 or more employees and the redundant employee(s) has at least 12 months of service. With these numbers in mind we would not be surprised if potential employees might ask at interviews how many employees the employer has. If the answer is less than 15 then such employees may want to seek appropriate protection against redundancy in their employment contracts.

60 is important as it is the number of days an employee, union or employer has to lodge the newly created category of claim under the *Fair Work Act* called adverse action claims. While some types of adverse actions claims have their antecedents in claims in respect of freedom of association, the categories of the types of claims in the *Fair Work Act* that are contained in the adverse action provisions have been significantly expanded. As a result employers need to be careful and respond appropriately when employees seek to exercise a workplace right.

If you want to discuss any of this with us, please call Richard Pegg or Will Ward.