

## Termination of employment

Has your employment been or about to be terminated?

Under the amendments to the Workplace Relations Act 1996 in effect since 27 March 2006, employees employed in businesses with fewer than 101 employees are no longer eligible to claim unfair dismissal.

This means that if you are employed by a business that employs fewer than 101 employees, you will not even meet the threshold requirements for being able to claim that your employment was terminated in circumstances that were harsh, unjust or unreasonable.

However this does NOT necessarily mean that you are left with no legal avenues by which to challenge your dismissal or to at least make sure that you are adequately compensated by your employer.

Regardless of the number of employees in the business from which you have been terminated, you may still have several options available to you including claims for:

- > unlawful dismissal (as opposed to unfair dismissal) – and you may even be eligible to receive a government subsidy up to the amount of \$4,000 to run your claim
- > wages and conditions arising from Award non-compliance
- > breach of the Trade Practices Act 1974
- > breach of contract including breach of implied contractual terms
- > breach of workplace policies
- > defamation
- > bullying and sexual harassment
- > breach of the Independent Contractors Act 1996
- > notice payments
- > redundancy entitlements

As a firm with extensive employment law expertise, Rosendorff Lawyers will be able to assess your termination situation and comprehensively advise you of your options – which may turn out to be far greater than you had imagined.

## About the Author

[David Natenzon](#) has gained extensive experience in different aspects of commercial, corporate, and litigation matters and manages Rosendorff's employment law division. He has developed an extensive knowledge of the WorkChoices legislation and is an Associate Member of the Law Institute of Victoria. David has written numerous resource papers on different aspects of corporate law. For more details, visit: [www.rosendorff.com.au](http://www.rosendorff.com.au)

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