

## Factsheet 27

# Thinking of Leaving Your Workplace & Resignations

### Ending your employment

When you wish to end your employment, you need to let your employer know. This is called 'resignation'. The best way is to put this in writing (a letter or email is best) and let them know what your last day will be. See example letter below. You should also make sure you give your employer enough notice (this is the period before your last day).

### Notice

Whilst there are no fixed periods of notice that an employee is required to give to their employer, usually your employment agreement tells you how much notice your employer would like you to give when you are handing in your resignation. If not, the notice period may be set out in your Enterprise Agreement or Award. You should check the terms of those documents for information.

If these documents don't cover a notice period, you might need to give your employer reasonable notice.

A reasonable period is dependant of how long you have worked with your employer. This may vary if you are an apprentice or a trainee.

The Fair Work Act states a reasonable period of notice is –

### If you have worked for the employer

- |   |                   |
|---|-------------------|
| • Not more than one year                      | = 1 weeks' notice |
| • More than 1 year but not more than 3 years  | = 2 weeks' notice |
| • More than 3 years but not more than 5 years | = 3 weeks' notice |
| • More than 5 years                           | = 4 weeks' notice |

Your employer may state that you don't have to work out your notice period and can cease working immediately. They will still need to pay you for the notice period.

### **Final Pay**

Your final pay should be received within 7 days of your last working day. You're entitled to be paid your accrued annual leave, as well as superannuation. Unless you have provisions in your employment contract, or Enterprise Agreement, personal leave is not paid out.

You may want to ask your employer for a statement of service stating you worked there and how long.

If you do not have another job to go to, you may also ask your employer if you can put their name down for a reference.

### **What if I feel had no choice or was forced out?**

If you have resigned because you felt you had no other choice due to the breakdown of workplace relationships, poor management behaviour, unreasonable work demands, an unsafe workplace including being exposed to bullying or harassment that was affecting your health, get some advice as soon as possible.

You may have grounds to lodge an Unfair Dismissal application (constructive dismissal) with the Fair Work Commission or some other application/complaint. You have 21 days from your last working day, to lodge an unfair dismissal application with Fair Work Commission.

For more information refer to *Factsheet Eight Unfair Dismissal*.

If you are thinking of resigning because of your experience and can no longer continue in your role or remain in the workplace, please contact us for advice. You may also wish to access counselling or other professional support depending on your reason(s) for leaving.

### **Example of Resignation Letter**

[insert name of employer]

[insert employer's postal address]

[date]

RE RESIGNATION

PRIVATE AND CONFIDENTIAL

Dear [name of employer representative],

I am writing to you to tender my resignation from the position of [insert position title] with [employer name]. I am providing you with [number] weeks of notice, with my last day of employment on [insert date].

Thank you for the opportunities and support that you have provided during my time here.  
(***NOTE: this is optional depending on why you are resigning***)

Yours sincerely,

[name of employee and any relevant employee number/address details]

***NOTE: Make sure you keep a copy of your resignation and record of when this was provided to your employer and to whom in case the notice period provided is challenged***

### Where can I get more help?

NT Working Women's Centre Ph: 1800 817 055 <a href="http://www.ntwwc.com.au">www.ntwwc.com.au</a>	Your Union Unions NT Ph: 8941 0001 <a href="http://www.unionsnt.com.au">www.unionsnt.com.au</a>	NT Anti-Discrimination Commission Ph: 1800 813 846 <a href="http://www.adc.nt.gov.au">www.adc.nt.gov.au</a>
Australian Human Rights Commission Ph: 1300 656 419 <a href="http://www.humanrights.gov.au">www.humanrights.gov.au</a>	Fair Work Ombudsman Ph: 13 13 94 <a href="http://www.fairwork.gov.au">www.fairwork.gov.au</a>	Fair Work Commission Ph: 1300 799 675 <a href="http://fwc.gov.au">fwc.gov.au</a>
NT Police Ph: (emergency) 000 If calling from a mobile: 112	Office of the Commissioner of Public Employment (OCPE) Ph: 8999 4129 <a href="http://www.ocpe.nt.gov.au">www.ocpe.nt.gov.au</a>	NT WorkSafe Ph: 1800 019 115 <a href="http://www.worksafe.nt.gov.au">www.worksafe.nt.gov.au</a>
Your HR Department	Aboriginal Interpreter Service Ph: 1800 334 944 <a href="http://www.ais.nt.gov.au">www.ais.nt.gov.au</a>	To access an interpreter Interpreting and Translating Service NT Ph: 1800 676 254 <a href="http://www.itsnt.nt.gov.au/">www.itsnt.nt.gov.au/</a>

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