



Is Your Business Protected From Unfair Dismissal Claims?

Under the new Fair Work Act some protection is offered to small business employers from unfair dismissal claims. The protection is offered by the 'Small Business Fair Dismissal Code'.

Does my business qualify for protection?

In order for your business to be eligible for the protection offered by the Code, it must fall under the definition of a 'small business'. A small business is defined as having the equivalent of fewer than 15 full-time employees.

What protections are provided by Code?

The following protections are provided to small businesses:

- Employees who are dismissed because of genuine redundancy cannot make a claim for unfair dismissal.
- Employees cannot make a claim for unfair dismissal if they are dismissed in the first 12 months of their employment.
- Steps / requirements to ensure that any dismissal is fair, and a checklist called the 'Small Business Fair Dismissal Code Checklist' to be completed as evidence of your compliance with the Code.

How can I ensure my business is protected?

If you are dismissing an employee, ensure that you:

- Comply with the steps outlined in the Code.
- Retain records of that compliance, for example, copies of written warnings.
- Complete and retain the 'Small Business Fair Dismissal Code Checklist'.

Whether you are an employer or employee, Everingham Solomons will be more than happy to assist you with any employment queries ***Because Helping You is Our Business.***



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