EMPLOYMENT

* Working in Australia
  + probation
  + termination
  + unfair dismissal

**P1** My contract says that I have a probation period. What does that mean?

**P2** A probation period is a length of time, even a few months, where the employer can see if you are suitable for the business and the job. If the employer doesn’t think you are the right person for the job in your probation period, they can end your employment for any reason.

**P1** So they can just tell me that I don’t fit and that’s it? Will I lose my job?

**P2** Yes. You can lose your job. Your employer has to give you notice and you can get any accrued annual leave entitlements paid to you.

**P1** So if there is no probationary period or after the probationary period has ended, they can’t just end my employment, right?

**P2** In some cases they can. It depends on whether unfair dismissal laws apply.

**P1** What do mean IF unfair dismissal laws apply? You can lose your job for any reason? That doesn’t sounds fair?

**P2** Unfair dismissal is where you lose your job and the reason was unjust, unreasonable or harsh or it wasn’t a genuine redundancy. But they only apply after a certain time period, depending on the size of the employer.

And then, there is unlawful dismissal where the employer sacks you but it is actually illegal for them to do that. Things that the employer cannot sack you for are things like being away from work for a short time because of illness or injury, parental leave, union membership, joining in union activities, your refusal to negotiate or sign a certified or enterprise agreement. It is illegal to sack someone based on discrimination as well.

**P1** So they can’t force me to sign an enterprise agreement and if I want to stay being employed by the award, and they can’t sack me because I come from a different country or have a different religion. Is that right?

**P2** Yes that’s right.

**P1** But they can sack me in the first 6 months or year even if it is unfair?

**P2** It gets really complicated depending on whether you are a national system employee or not. It is best to get legal advice from a community legal centre, the Fair Work Commission or the Qld Government Office of Industrial Relations.