



# Employee Fined for Failing to Give Notice

**Date :** June 1, 2016

The Federal Circuit Court (**FCC**) has fined an employee who failed to give notice of his resignation in accordance with modern award provisions.

## Facts

The employee:

- was required to give two weeks' notice under the applicable award and eight weeks' notice under his employment contract if he wished to resign
- resigned without providing the notice required by his employment contract after he had just completed training in the United States at the expense of the employer

## Result

The FCC held that:

- the employee breached workplace law, under section 45 of the *Fair Work Act*, by contravening a term of a modern award
- the FCC issued a fine of \$2,250 to the employee for this breach of workplace law, to be paid to the Commonwealth

## Reasons

Key reasons for the decision were:

- there was a need for specific and general deterrence
- employees need to understand that they cannot flout the conditions of their employment contract
- the penalty needed to demonstrate that the *Fair Work Act* is a "two-way street" and that breaches of workplace law, damaging an employer, will also be met with penalties

## Tips for Employers

The decision highlights the need for employers to:

- **ensure** compliance with enterprise agreements, awards and workplace law (as well as any other employment contract obligations)
- **be mindful** that penalties for breach of an enterprise agreement or award can apply

## More Information



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If you have any questions in relation to this article or if you would like advice from an immigration lawyer Sydney or you would like advice about the terms of a contract of employment, please feel free to speak with or email one of our specialist employment lawyers on (02) 9635 7966 or [info@matthewsfolbigg.com.au](mailto:info@matthewsfolbigg.com.au)