

# Fair Work Commission - Reconsideration of Fixed Term Contract Authority

Date : October 4, 2017

## Fair Work Commission – Background and Facts

The full bench of the Fair Work Commission has taken the rare and serious step of allowing for a reconsideration of a full bench authority on fixed-term contracts. The Fair Work Commission granted the Navitas English Pty Ltd employee leave to appeal a ruling on ***whether employees on fixed term or “outer-limited” contracts are dismissed when their terms expire.***

## Fair Work Commission Decision:

The Fair Work Commission:

- concluded that it was in the public interest to grant the employee’s appeal and reconsider the well-established 2006 decision of *Department of Justice v Lunn*
- suggested this was a matter of public interest because Lunn considers old unfair dismissal provisions under the *Workplace Relations Act 1996 (Cth)*, and thus the applicability of the reasoning in *Lunn* as it applies to the Fair Work Act has not been previously analysed by the Full Bench
- stated that in their view “the first ground of appeal raises issues of importance and general application in relation to the question of the approach that should be adopted by the Commission in determining whether there has been a termination of employment at the initiative of the employer, particularly in relation to employees who have been employed on a series of fixed term or outer limit contract”

The decision is available for you to read at the following hyperlink:

[Mr Saeid Khayam v Navitas English Pty Ltd T/A Navitas English \[2017\] FWCFB 4092 \(16 August 2017\)](#)

## Employment Law - Tips for Employers

Our **Matthews Folbigg Workplace Solutions** employment law team recommends employers:

- ensure they keep up to date with Fair Work Commission decisions and changes to employment law and the interpretation of the *Fair Work Act*
- seek the assistance of an employment lawyer to understand the impacts of this Fair Work Commission decision and any potential employment law changes
- raise any employment law questions with an employment lawyer
- ensure compliance with employment law policies and Fair Work Commission decisions

## Employment Law – More Information



Please call the leading employment lawyers in Parramatta, the **Matthews Folbigg Workplace Solutions** employment law team on **9635-7966** to speak with one of our employment lawyers.