

UNDERSTANDING STAND DOWNS

A stand down is a **lawful, temporary, and unpaid** suspension of work initiated by an employer.

WHEN CAN I BE STOOD DOWN?

There are various reasons why an employer can stand people down when they cannot be usefully employed because of:

- industrial action (other than industrial action organised or engaged in by the employer);
- a breakdown of machinery or equipment, if the employer cannot reasonably be held responsible for the breakdown; or
- a stoppage of work for any cause for which the employer cannot reasonably be held responsible.



An EA or Contract may also include terms that impose additional requirements that an employer must meet before standing down an employee (e.g. consultation or notice).

An employee cannot be stood down during a period of paid or unpaid leave or other authorised absence. They should be paid if they are on paid leave.

Where a dispute arises in relation to a stand down, an affected employee, their union or an inspector may refer the matter to the Fair Work Commission for arbitration.

If you think your work is standing you down illegally, or you are being threatened with stand downs, contact the union.

UNDERSTANDING REDUNDANCY

A redundancy occurs when an employer no longer requires an employee's job to be done by anyone, resulting in termination.

CAN I CHALLENGE MY REDUNDANCY?

A redundancy can be challenged through an unfair dismissal claim if:

- the employee's job is still required to be performed; or
- the employee is covered by an Award or EA, and the employer has not followed its consultation requirements; and
- the employee has been employed for at least 6 months (or 12 months by a small business); and
- the employee is covered by an Award or EA or earns less than the high-income threshold (i.e. \$183,100 from 1 July 2025 to 30 June 2026),

NOTE

An unfair dismissal claim must be lodged with the FWC within 21 days of the dismissal taking effect.

CONSULTATION

Where an employee is covered by an Award or EA, the employer will usually have to consult with them before making them redundant. What is required by consultation will depend on the terms of the Award or EA.

NOTICE PERIODS

An employer must give an employee notice of termination when making them redundant, or otherwise pay them in lieu of the notice period.

How much notice an employee is entitled to will depend on whether their entitlement comes from a Contract, Award, EA or the NES.

The NES sets out the minimum:

Period of continuous service	Minimum notice period
1 year or less	1 week
1 year – 3 years	2 weeks
3 years – 5 years	3 weeks
More than 5 years	4 weeks

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REDUNDANCY PAY

If an employee's job has been made redundant, they will be entitled to redundancy pay - unless they have been employed for less than one year, or their employer is a small business that has not been liquidated or become bankrupt.

Where an employee is covered by an Award, the Award may set out other exceptions to redundancy pay.

How much redundancy pay an eligible employee receives will depend on whether their entitlement comes from a Contract, Award, EA or the National Employment Standards.

A Contract, Award or EA may also provide for additional entitlements in respect of redundancies.

The NES sets out the minimum redundancy pay:

Period of continuous service	Redundancy Pay
1 year – 2 years	4 weeks
2 years – 3 years	6 weeks
3 years – 4 years	7 weeks
4 years – 5 years	8 weeks
5 years – 6 years	10 weeks
6 years – 7 years	11 Weeks
7 years – 8 years	13 weeks
8 years – 9 years	14 weeks
9 years – 10 years	16 weeks
More than 10 years	12 weeks

Periods of casual employment and unpaid or unauthorised leave do not count as continuous service.

Redundancy pay is paid at the employee's base pay rate for their ordinary hours of work, and doesn't include incentive-based payments, bonuses, loadings, monetary allowances, overtime or penalty rates or any other separately identifiable amounts. Any outstanding entitlements also need to be paid out, including any unused annual leave and long service leave.