

## ✔ Checklist: Making a general protections dismissal application

You can print this checklist. It may help you to decide whether to make a general protections dismissal application to the Fair Work Commission (the Commission) if you have been dismissed from your job.

Before making an application you should get legal advice. There are time limits that apply.

You have 21 days to make a general protections dismissal application to the Fair Work Commission.

Tick on each box as you go.

### Making a general protections dismissal application

Are you covered by national employment laws?

- Most employees in Australia (and some independent contractors) are covered by national laws about general protections in the workplace.
- If you are an employee working in NSW, you are not covered if you are employed by the NSW government, a local council, or a NSW state government owned corporation.

Are you in time to make an application?

- If you have been dismissed there are strict time limits to meet.
- An application to the Fair Work Commission must be made within 21 days of the date you were dismissed
- It is possible for the Commission to accept late applications, but only in exceptional circumstances.

Is one of the reasons you were dismissed because you used or tried to use your workplace rights?

- Some of the rights that are protected are:

- the right to get paid your wages, take leave and get other entitlements at work
- the right to make complaints or inquiries about your workplace conditions
- the right to take part in (or not take part in) industrial activities
- freedom from discrimination
- the right to be temporarily absent from work because of illness or injury
- the right to be absent for voluntary emergency duties
- the right not to be forced to enter into sham contracting arrangements.

\* If you ticked yes to all of the questions above, you may be able to make a general protections dismissal application. Before making an application, you should get legal advice to find out if this is the right step for you.