

**Senate Standing Committee on Education Employment and Workplace  
Relations**

**QUESTIONS ON NOTICE  
Budget Estimates 2011-2012**

**Agency - Fair Work Ombudsman**

**DEEWR Question No.EW0265\_12**

**Senator Abetz asked on 30/05/2011, Hansard page 59.**

**Question**

**Unfair Dismissal**

Senator ABETZ: Yes. It has been put to me by a number of people. I must have asked it of Fair Work Australia and not the Fair Work Ombudsman, but I was intending to ask you as well. Is there any evidence to suggest that adverse action provisions are being used by employees as a de facto unfair dismissal claim for those dismissed from their employment under the six months and 12 months unfair dismissal thresholds? Do you have any evidence?

Mr Wilson:I do not think we have any knowledge of that.

Senator ABETZ: Were there any requests on your hotline or whatever as to what an employer's rights or, indeed, an employee's rights might be?

Mr Wilson: We will need to take that aspect on notice.

**Answer**

*The Fair Work Ombudsman provided the following response.*

The Fair Work Infoline records the number of enquiries relating to termination of employment generally, which includes unfair dismissal. The Infoline also records the number of enquiries relating to the General Protections provisions of the *Fair Work Act 2009*, which would include the termination of employment as an adverse action.

In the 2009/2010 financial year, the Fair Work InfoLine received 79,371 relating to termination of employment while 1070 related to the General Protections provisions.

From 1 July 2010 to 31 May 2011, 81,798 calls related to the termination of employment while 809 calls related to the General Protections provisions.

For General Protection enquiries, the Infoline does not record whether the employee would have been eligible to lodge an unfair dismissal application but for their length of service.