Dealing with the impact of widespread disease on the workplace

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Various issues arise for businesses when there are risks of widespread disease affecting the workplace, such as in a pandemic. This guidance note explains how to manage those issues.

The overarching requirement for a business is to meet its work health and safety duties, which requires it to ensure the health and safety of workers and other persons in the workplace.

In doing so, the business will need to direct and consult with staff, consider discrimination and privacy issues (eg, health information), implement appropriate hygiene and infection control measures, correctly accrue and pay employee leave entitlements, manage workplace stress and implement staff travel and isolation measures (including remote working).

Depending on the duration of the spread of disease, business continuity requirements may require the scaling down of operations, considering stand downs and the implementation of redundancy programs.

Once the crisis has abated, there may be various issues to work through, including workers compensation claims, potential underpayment of entitlements (eg, through inadequate auditing of hours worked or misclassification of staff) and ongoing management of employees who face post-pandemic physical or mental hurdles in resuming their pre-pandemic working arrangements.

Work health and safety duties

The business (ie the person conducting the business or undertaking, "PCBU") has the primary duty of care under the model Work Health Safety Act to take reasonable care of the health and safety of its staff and other persons in the workplace (ie clients, supply chain). This duty has been implemented in applicable state and territory-based legislation.
References: *s 19, Work Health and Safety Act 2011 (Cth)*
s 19, Work Health and Safety Act 2011 (NSW)
s 19, Work Health and Safety Act 2011 (Qld)
s 19, Work Health and Safety Act 2011 (ACT)
s 19, Work Health and Safety (National Uniform Legislation) Act 2011 (NT)
s 19, Work Health and Safety Act 2012 (SA)
s 19, Work Health and Safety Act 2012 (Tas)

Contracts of employment contain implied terms which require the employer to take reasonable care of the employee's safety and a similar common law duty exists in the tort of negligence. See *Duty of care/safe place of work*.

In the context of widespread disease such as a pandemic (eg, SARS, COVID-19, H1N1), the business must take steps to minimise the risk of exposure and spread of the disease to staff and other persons in the workplace.

Reasonable measures could include to:

- ensure that the workplace is clean and hygienic - conduct a deep-clean, regularly cleaning high-touch surfaces and provide additional hand sanitisers and wipes;
- closely monitor ongoing government sources for current information and advice (see below);

- clearly communicate government imposed self-isolation/quarantine periods;
- provide clear guidance on when staff should not attend work (ie which may include when unwell, showing disease symptoms and/or if a staff member is very concerned about the risk of being in the workplace) (see various government health links below);
- eliminate or minimise domestic and international travel (see *Smart Traveller* website);
- review and communicate company policies (eg, work health safety policy, flexible working policy, leave policies, infection control/hygiene policy, remote working, no face-to-face meetings);
- consult with other providers of labour (ie labour hire providers, independent contractors and supply chain services) regarding their management of their own workers;
- conduct contingency planning in relation to staff absences (eg, casual worker coverage, alternating teams); and
- provide staff with access to support services such as employee assistance advice lines or counsellors.

Businesses must communicate to staff about their duties to take reasonable care of their own health and safety and to not adversely affect the health and safety of other staff or persons in the workplace. For example, staff should be informed that they are duty-bound to:

- use hand sanitisers and wash hands with soap and water at regular intervals;
- avoid contact with others if unwell (ie not shaking hands, wearing a face mask, not hugging, kissing or any other touching);
- cough or sneeze safely – using a tissue or crook of elbow but not hands;
- immediately see a doctor or contact *healthdirect* if unwell; and
- immediately inform the business if they have been isolated and/or they or any member of the household have the disease.

A business may be justified in terminating a staff member's employment or engagement if the staff member creates a significant health and safety risk, particularly where there is a failure to comply with health and safety directions. *Was there a valid reason for the dismissal?*.

Businesses should also specifically address work health safety risks related to working remotely, including in the staff member's home. See below Managing issues around remote/flexible working.

Guidance from authorities and regulators

Businesses must keep informed of the latest information from authorities and regulators and where relevant, communicate that information to staff.

Information can be obtained from the following sources:

Managing risks to health and safety

- *Australian Government Department of Health* (eg, *COVID-19*)
- Department of Foreign Affairs and Trade – *Smartraveller* website
- WHS and workers compensation regulators (*Comcare*, *Safe Work Australia*, *SafeWork NSW*, *WorkSafe Victoria*, *WorkSafe ACT*, *Workplace Health and Safety Queensland*, *SafeWork SA*, *NT WorkSafe*, *WorkSafeWA* and *WorkSafe Tasmania)*

- State and territory health departments and other agencies
- *World Health Organisation*

Information on employment, welfare and support initiatives

- *Australian Taxation Office* (eg, *COVID-19 support measures*)
- *Australian Government Department of Social Services* (eg, *COVID-19 support*)
- *Australian Government Department of Education, Skills and Employment* (eg, *COVID-19*)
- *Fair Work Ombudsman* (eg, *COVID–19 and Australian workplace laws*)

Directions to employees during periods of widespread disease

Contracts of employment contain implied terms (and often express terms) which provide employers with the right to direct employees about:

- what they do in the course of their employment;
- how to perform work under the contract;
- when they are required to perform work under the contract; and
- where work is performed under the contract.

Any direction must be lawful and reasonable.

Directions are likely to be lawful and reasonable if made to ensure compliance with laws (including work health and safety laws) and where the direction goes only so far as reasonably necessary. In determining the lawfulness or reasonableness of a direction, employers must also have regard to the terms of any applicable workplace instruments such as awards and enterprise agreements. See *Duty to comply with lawful and reasonable directions*.

If an employee fails to comply with a lawful and reasonable direction, an employer may have a valid reason to discipline the employee, up to and including dismissal. However, to avoid unfair dismissal claims, employers must ensure that they have clearly and consistently communicated to employees that failures to comply may result in dismissal and that procedural fairness is afforded at all times. Employers should also seek legal advice on their particular circumstances.

The ability of employers to lawfully regulate employees' conduct outside work is more limited. However, where the direction is to ensure health and safety in the workplace or to promote the effective conduct of the business, then employers are likely to have more latitude, particularly in situations of pandemic or widespread disease within the community.

Set out below are examples of directions which may be lawful and reasonable in situations such as a pandemic.

When can I direct my employee to not attend work?

Employers should closely monitor guidance from health authorities and use that as the basis upon which they direct employees not to attend work. Work health safety policies should be updated where necessary to confirm that a direction to work remotely assists the business in minimising the risk of spreading disease.

In the context of a pandemic, justifiable circumstances for exclusion from work may include where the employee

has symptoms of the disease, has been in contact with another person with the disease, has travelled to areas and potentially been exposed to the disease or has been directed by a government authority or health practitioner to self-isolate or go into quarantine.

In any of these circumstances, it is likely to be reasonable for the employer to require the employee to provide medical clearance prior to being allowed to return to the workplace.

Where the employee can work remotely when excluded from the workplace, the employee should be paid their normal salary. If the employee cannot perform any work, depending on the circumstances, the employee may be able to access regular statutory or contractual leave entitlements (see below) and/or the employer, at its discretion, may put in place special paid leave arrangements.

Can I direct my employees to inform us if they have been required to self-isolate/quarantine?

Employers can require employees to inform them of any requirement to self-isolate/quarantine, particularly in circumstances of a serious pandemic. This direction is likely to be viewed as reasonably necessary to keep workers and other persons safe in the workplace.

Information collected in these circumstances is likely to be "sensitive information" covered by the *Privacy Act 1988* (Cth), which requires an employee to consent to its collection and issue a collection notice. However, it is likely that a direction to provide this type of information in the context of a pandemic will be both lawful and reasonable.

Employees also have duties to take reasonable care of the safety of other workers and persons in the workplace and may also be duty-bound to comply with this direction.
References: *Contract Lee v Superior Wood Pty Ltd [2019] FWCFB 2946*
s 27, Work Health and Safety Act 2011 (Cth)
s 27, Work Health and Safety Act 2011 (NSW)
s 27, Work Health and Safety Act 2011 (Qld)
s 27, Work Health and Safety Act 2011 (ACT)
s 27, Work Health and Safety (National Uniform Legislation) Act 2011 (NT)
s 27, Work Health and Safety Act 2012 (SA)
s 27, Work Health and Safety Act 2012 (Tas)

Can I direct my employees to take annual or long service leave?

Employers only have a limited ability to direct full-time or part-time employees to take annual leave or long service.

Circumstances which may justify a direction include where there is "excessive" accrued annual leave. However, in the case of an award-covered employee, the model award clause provides that "excessive" is at least 8 weeks' leave, and 10 weeks for shift workers. For award/agreement-free employees, the direction will need to be reasonable. See *Can an employer direct an employee to take excess annual leave?*

When making a direction in respect of annual leave, an employer must provide notice. This requires employers to consult with employees and, where required under an award or enterprise agreement, the employees' representatives. This process needs to be initiated in advance of issuing a direction to take accrued annual leave.

The ability to direct an employee to take long service leave varies depending on which State or Territory laws applies to the employee and any relevant industrial instrument. See *Long service leave entitlements*.

Annual leave or long service leave could be utilised by employees who are not sick but are in quarantine (without caring responsibilities) or who are stuck in another country and are not eligible to take sickness-related benefits, if

an employee agrees.

Can I stand down my employees?

In the absence of a contractual right (or a right under an industrial instrument) an employer may only stand down an employee where the employee cannot be "usefully employed" and in very limited circumstances, one of which includes "a stoppage of work for any cause for which the employer cannot reasonably be held responsible". See *Duty to provide work — Stand down*.

An example of an acceptable "cause" is likely to include where a government health direction requires an employee to go into quarantine during a pandemic or disease outbreak. In these circumstances, there is no requirement to pay wages.

An employer and employee may agree to a stand down arrangement. An agreement is more likely to be reached in a situation where an employer proposes standing down an employee on full pay.

Can I direct my employees to work overtime?

An employer cannot direct an employee to work more than the 38 hours (or, if less, ordinary weekly hours) unless those additional hours are reasonable. See *Maximum hours of work under the national system*.

Under the *Fair Work Act 2009* (Cth) (FW Act), "reasonableness" is assessed by reference to certain prescribed factors, including industry patterns, the employee's role and level of responsibility and the needs of the workplace. This means that a direction may be reasonable where the employee is very senior, there are serious risks to business continuity, or the employee is working in an industry which provides emergency services or other services of high need during an outbreak of disease.

Industrial instruments may also contain provisions regarding the working of overtime and where additional hours are required, employers may need to consult with employees and their representatives.

Contracts of employment often stipulate that employees are remunerated on the basis that they must work reasonable additional hours. However, it is important to remember that award/industrial agreement-covered employees must be paid at or above the minimum level required by the applicable industrial instrument for all hours worked. Where an annual salary is paid inclusive of reasonable additional hours, there is a risk that employees may receive less than what they would be entitled to under an industrial instrument. To reduce this risk, employers must have appropriate time recording and audit measures to prevent inadvertent underpayments and must ensure that their contracts of employment include effective set off provisions. See *Payment for work performed*, *Overview — Enforcement*, *How are the minimum conditions of employment determined for national system employees?* and *Minimum wages in the national system*.

Can I direct my employees to participate in medical or health measures, including attending medical assessments, have their temperatures taken or be tested for an infection?

Employers should be entitled to require employees to participate in medical or health measures to the extent that it is reasonably necessary to enable an employer to satisfy its duties to keep workers and other persons safe in the workplace.

Less invasive measures are more likely to be regarded as reasonable (ie taking of temperatures). However, depending on the extent of disease spread and the relative danger, a range of measures may be reasonable. Employers will need to seek employee consent to obtain access to the information obtained through such medical

assessments or tests and will need to treat the information in accordance with the requirements under the *Privacy Act 1988* (Cth).

Can I restrict travel of my employees?

Employers may lawfully and reasonably direct employees in relation to work-related travel. Employers must review travel insurance policies to ensure that employees are adequately covered if required to travel for work to areas affected by a disease.

However, the extent to which employers can direct employees about non-work travel is limited to that which is necessary for the employer to meet its work health and safety obligations. It is unlikely that non-work travel could be prohibited on this basis. An employer will be best served by providing information to employees about the risks of such travel and the employee's rights to paid leave entitlements should the employee, for example, be prevented from returning to Australia or placed in quarantine and be unable to return to work. The employer is unlikely to be able to argue that employment has been abandoned or the employment contract has been frustrated where an employee is unable to return to work in these circumstances. See *What constitutes an abandonment of employment?* and *When has an employment contract been frustrated?*.

Leave entitlements and payments to employees during authorised absences from work

Employees may be entitled to payments when on an authorised absence from work during periods of widespread disease.

Employee leave entitlements are set out in the FW Act and State and Territory legislation, industrial instruments and/or contracts of employment.

Employees must satisfy certain criteria, including notice and evidence requirements.

Statutory leave entitlements under the FW Act (for national system employees) and State and Territory legislation include:

- accrued paid personal/carer's leave - full-time or part-time employees only (see *Personal/carer's leave*);
- 2 days' unpaid carer's leave for each occasion - casual employees, and full-time or part-time employees with no accrued paid personal/carer's leave (see *Personal/carer's leave*);
- 2 days' paid or unpaid compassionate leave if life-threatening injury/illness or death — paid for full-time or part-time employees, unpaid for casual employees (see *Compassionate leave*);
- accrued annual leave – full-time or part-time employees only (see *Overview — Annual leave*);
- accrued long service leave – full-time or part-time employees, and casual employees depending on state or territory legislation (see *Overview — Long service leave*);
- no safe job leave – pregnant employees (see *Applying for parental leave under the national system — What obligations exist to provide safe work during pregnancy?*);
- 5 days' family and domestic violence leave per year (see *Family and domestic violence leave*); and
- community services leave (see *Community service leave*).

The applicability of leave entitlements during periods of widespread disease is set out below.

Certain staff may also be entitled to support and welfare payments through government initiatives.

Personal/carer's leave, unpaid carer's leave or compassionate leave

Under the FW Act, full-time and part-time national system employees are entitled to 10 days' personal/carer's leave per year, which accumulates progressively and is accrued and deducted in "days" not "hours."

Employees must comply with notice and evidence requirements. Notice must be given as soon as reasonably practicable and satisfactory evidence must be provided if required by an employer. During situations such as pandemics, it may be more difficult for employees to comply with onerous evidence requirements due to limited access to medical staff, advice provided by telephone health lines or requirements to self-isolate/quarantine. Employers should take this into account.

Full-time and part-time employees may also be eligible for unpaid carer's leave if the paid personal/carer's entitlement is exhausted. In cases of life-threatening illness of a family member, employees may be eligible to take paid compassionate leave, which is 2 days per occasion.

Casual employees are not entitled to paid personal/carer's leave but if the leave is required to take care of a dependent who is ill, the employee may be entitled to unpaid carer's leave. If the illness of a family member is life threatening, casual employees may also access 2 days' compassionate leave, however it is unpaid.

These entitlements are paid at the base rate of pay for ordinary hours which would have been worked in the period of leave.

Employers must ensure that they do not pro-rate the personal/carer's leave entitlement of part-time employees and that it is accrued and deducted in "days" not "hours." See *Personal/carer's leave*.

Where an employee is not entitled to, or has exhausted paid personal/carer's leave, unpaid carer's leave or compassionate leave, an employer will usually provide a full-time or part-time employee with an option to use their annual or long service leave entitlements (see below). Otherwise, where the employee is ill, an employer will need to provide the employee with unpaid leave as an employee cannot be dismissed in the absence of exceptional circumstances, having regard to the minimum duration of an illness absence and anti-discrimination provisions. See *Unlawful termination* and *Overview — Anti-discrimination laws*.

Annual leave and long service leave

Under the FW Act, full and part-time national system employees are entitled to 20 days' paid annual leave per calendar year of service, which accumulates progressively through the year, and from year to year. Shift workers are entitled to an additional 5 days. See *Overview — Annual leave*.

Long service leave entitlements are dealt with on a State or Territory basis or under an industrial instrument, including the ability to direct employees to take and cash out long service leave. Casual employees may be entitled to long service leave. See *Long service leave entitlements* and *Long service leave comparative table*.

Where an employee is not sick and is not caring for a family member who is sick (or affected by an unexpected emergency), the employee will not be entitled to personal/carer's leave and may be best served accessing annual or long service leave entitlements with agreement of the employer.

Unlike personal/carer's leave, annual leave accruals can be pro-rated for part-time employees.

Based on the reasons applied in the recent Full Bench decision in *Mondelez v AMWU* in respect of personal/carer's

leave, there is a risk that accruals/deductions of annual leave must be calculated by reference to "weeks" rather than "hours." Special leave has been granted by the High Court to appeal the *Mondelez* decision, which should provide some clarity around this issue. See *Personal/carer's leave*.
References: *Mondelez v AMWU [2019] FCAFC 138* at *[168]*

"No safe job" leave and other leave

Under the FW Act, a pregnant employee may be entitled to payment if a safe job cannot be provided for her during a disease outbreak. The pregnant employee must provide her employer with evidence that she is fit for work but that it is not advisable to continue in her present position because of hazards connected with that position.

The employee may be transferred to a safe job or, if no safe job is available and she is entitled to unpaid parental leave, then the employee will be entitled to paid no safe work leave for the duration of the risk period. If the employee is not entitled to unpaid parental leave then she will be entitled to unpaid safe job leave. See *Applying for parental leave under the national system — What obligations exist to provide safe work during pregnancy?*.

In circumstances of disease outbreak, employees may be exposed to increased risks of domestic violence, particularly when required to self-isolate with their families. The FW Act provides for 5 days' unpaid family and domestic violence leave per year, which does not accumulate but is instead available from the first day an employee starts work and renews in full at the start of each 12 months' period of employment. See *Family and domestic violence leave*.

An employee who is a voluntary member of a recognised emergency management body may be entitled to unpaid community service leave if they are part of a response to a pandemic emergency, eg, as part of Australian Defence Reserves. See *Community service leave*.

Government payments

Staff such as casuals or contractors may be entitled to payments from ad-hoc welfare or support initiatives provided by the ATO or the Australian Government Department of Social Services. For example, ATO - *COVID-19 support measures* and Australian Government Department of Social Services - *COVID-19 support*. Businesses should provide information about these initiatives to eligible staff.

What if an employee self-isolates or is absent without permission?

Some employees may implement their own self-isolation measures and not attend work, even when it is otherwise safe to do so.

While employers are entitled to require an employee to attend the workplace (ie as a lawful and reasonable direction), there may be reasons to tread carefully. For example, if the employee is pregnant or otherwise at high risk (ie compromised immune system, such as a cancer patient), care arrangements for family members have ceased or the person is suffering from mental stress at the though of attending the workplace.

A refusal to permit a person to work remotely in these circumstances may be counter-productive, particularly where the person can perform most work duties or acceptable projects or tasks from the remote location. By taking an uncompromising and inflexible approach this may also increase the risk of a discrimination claim and/or consequential "ill-injured worker" management issues during and after the abating of the disease crisis. See *Overview — Anti-discrimination laws* and *What are the legal risks involved in managing employee injury/ illness?*.

The employer is unlikely to be able to argue that employment has been abandoned or the employment contract has been frustrated where an employee is unable to return to work in circumstances such as a pandemic. See *What*

constitutes an abandonment of employment?.

Managing issues around remote/flexible working

Employees have the right to request flexible working arrangements in certain circumstances, through the FW Act, contracts of employment, policies and applicable industrial instruments. See *Overview — Flexible working arrangements*.

Also relevant is discrimination legislation, as it is likely that a "disease" will be a "disability" for the purposes of discrimination legislation. See *Overview — Anti-discrimination laws*.

Employers should review flexible working policies to ensure that they are clear about expectations of employees working remotely, including health and safety obligations such as safe work practices (including the home office setup and continuing hygiene and infection control measures), confidentiality of information and protecting intellectual property. It is important to maintain communication and consultation with remote working employees to ensure their wellbeing and ongoing commitment to the business.

Businesses could assess work health safety risks at the remote/home location by requesting staff (both employees and contractors) to email photos of their work areas. Staff could also be required to complete a checklist which confirms electrical safety, fire safety (ie smoke detector, fire equipment) and general access to medical assistance (ie basic first aid supplies). Team briefings around work health safety issues may also be helpful in identifying risk issues that have not been captured by the more checklist exercise.

Where required to perform work, businesses should ensure that employees have an adequate internet connection which enables them to properly perform their duties and responsibilities in the online environment. If they do not, employers should consider providing allowances to increase the speed of the home connection for a limited period or could provide company-funded wireless access.

Once the disease crisis has abated, it is likely that it will be difficult for an employer to refuse to continue with a flexible working arrangement if the employee has demonstrated that he or she has remained productive and maintained commitment to the business. Employers should take that into consideration if any employee makes a request to continue remote working post-crisis.

Workers' compensation

Where a worker is covered by workers' compensation insurance and the workplace has significantly contributed to the worker catching the disease, a worker may have a claim for workers' compensation insurance.

A business may contribute to this risk if the worker, during their work, travelled to areas with known viral outbreaks, was required to interact with infected persons or undertook activities that contravened recommendations form the Department of Health.

A claim may also arise where a worker is injured when working at home because the business has failed to take reasonable steps to ensure that the worker's home office is safe and healthy.

See information and guidelines issued by *Comcare*, *Safe Work Australia*, *SafeWork NSW*, *WorkSafe Victoria*, *WorkSafe ACT*, *Workplace Health and Safety Queensland*, *SafeWork SA*, *NT WorkSafe*, *WorkSafeWA* and *WorkSafe Tasmania)*.

Communication and consultation

Employers have a duty under work health safety legislation to provide information about work health and safety in the workplace. At a minimum, information should relate to hygiene practices and infection control and on current developments relating to the spread of the virus and its effects on the community. Employers should review and, where appropriate, implement the recommendations from the health and safety regulator which covers the jurisdiction in which their business is based (see Comcare, Safe Work Australia, SafeWork NSW, WorkSafe Victoria, WorkSafe ACT, Workplace Health and Safety Queensland, SafeWork SA, NT WorkSafe, WorkSafeWA and WorkSafe Tasmania).

Employers will also have obligations under industrial instruments to consult with award/agreement covered employees (and their representatives) and with employees on unpaid parental leave about workplace changes which are likely to have a significant impact on those employees. In the context of widespread disease outbreak, workplace change may include introducing requirements to work overtime, directions to work remotely, directions to stand down (if available), rostering changes etc. This does not give the employees the right to veto the change, but employers must invite employee views about the impact of the change and consider any views put forward by them. See *Modern award terms*, *Terms of enterprise agreements* and *What obligations does an employer have to consult with an employee who is on parental leave?*.

Inappropriate behaviour

In circumstances of heightened anxiety that inevitably follow any disease outbreak, it is likely that there will be inappropriate behaviours in the workplace on the basis of “protected attributes”.

That might include:

- discrimination against or harassment of members of a race, ethnic group or religion, particularly where it may be perceived that the disease originates from a particular country (eg, in the case of COVID-19, the media focused on it originating in the Wuhan province of China); or
- discrimination against or harassment of people with the disease (ie the disability is like to be a “disability”).

Employers need to take all reasonable steps to educate the workforce on respectful treatment of their colleagues and clients to ensure that staff do not behave unlawfully. Steps could include the reissuing of the discrimination/harassment/bullying policies, specific communications providing examples of “appropriate” and “inappropriate” behaviours, providing avenues for staff to seek help including employee assistance lines and HR contacts and conducting investigations into complaints.

Businesses also have obligations under work health safety laws to prevent bullying behaviour in the workplace and employees may seek stop bullying orders from the Fair Work Commission. See *Overview — Anti-bullying laws*.

Where there is systemic discrimination, harassment or bullying behaviour, eligible persons may also be able to make protected disclosures under whistleblower laws. See *Overview — Whistleblowers’ protection*.

Issues around business continuity flow-on staffing effects

Significant disease outbreaks are likely to adversely impact business, which may lead to staff redundancies.

Prior to implementing redundancies, businesses could consider preliminary measures, including:

- management leading by example by foregoing salary and/or bonuses;

- freezing recruitment;
- cutting back or eliminating the use of contractors or labour hire workers (subject to the terms of the service agreements);
- roster changes (eg, overtime prohibitions, reducing hours of work);
- redeploying employees who do not have work into areas of the business that have increased labour requirements; or
- standing down employees.

Some of these steps will require employee consent, particularly measures that reduce hours/income. Where employees are award/agreement-covered or are on unpaid parental leave, employers must ensure that they consult with employees and their representatives.

Where it is necessary to implement redundancies, employers must comply with consultation requirements in industrial instruments, contracts of employment, policies or legislation and provide a fair process. Depending on eligibility, redundant employees may be entitled to redundancy pay. Employees will also receive termination payments, including for accrued leave entitlements and, if relevant, payments in lieu of notice. Industrial instruments often also contain enhanced redundancy entitlements, as well as other benefits such as time off to look for a new job. See *Overview — Redundancy*.

Where an employee has decided to dismiss 15 or more employees in these circumstances it must notify Centrelink and relevant registered employee associations.

If employers fail to comply with laws relating to termination of employment, this may give rise to claims for unfair dismissal, underpayments, unlawful termination and discrimination. See *Overview — Unfair dismissal*, *Overview — Unlawful termination*, *Overview — General protections* and *Overview — Anti-discrimination laws*.