**Activity – Unfair Dismissal**

1. Trevor has just been fired from his position at ‘Milla & Manpreet’s Motor Mechanics’. He had been caught stealing car parts and selling them on eBay for profit. Milla and Manpreet gave Trevor no prior warning about his conduct, and fired him immediately.
2. Was Trevor unfairly dismissed?  
   yes
3. Why / why not?  
   Tervor has caught commiting a serious crime at his workplace
4. Sarah had been working in a large factory for over six months. She was dismissed because she did not adhere to the safety rules. She frequently refrained from wearing safety goggles while working on the factory assembly line. Her employer, Billie, met with her on two occasions and gave her two warnings, which she chose to ignore.
5. Was Sarah unfairly dismissed?   
   no
6. Why or why not?   
   She violated work place health and saftey with warnings
7. If yes, provide the relevant details regarding the lodgement of a claim (e.g. to whom, how long the individual has).
8. Could the employer have done anything extra in this situation?  
   Talk to her in detail about her issue and why she isnt following instructions
9. Isaac had been working at the local hairdressing salon ‘Chrysanthi’s Cuts and Curls’. He had been a member of staff for 18 months, and had experienced no complaints about his job performance during this time. Last week, however, Isaac was called into the owner’s office, where Chrysanthi informed him that he was being sacked because he wasn’t performing to the standards expected at the salon.
10. Was Isaac unfairly dismissed?   
    yes
11. Why or why not?   
    He was not given any warnings of his dismissal
12. If yes, provide the relevant details regarding the lodgement of a claim (e.g. to whom, how long the individual has).   
    21 days, to fair work commission
13. What else should the employer have done in this situation?
14. Sandra had been working casually at Kmart for the past 6 months. One day recently, Sandra verbally abused Alicia, who was a customer that had accidentally knocked an item off the shelf. Sandra’s boss, Cameron, was forced to fire her, having already given her several warnings about her conduct, as well as extra training to improve her behaviour.
15. Does Sandra have rights under the legislation?

yes

1. Why / why not?  
   She has worked more than 6 months in a big buisness
2. Would your answer change if Sandra had in fact been a full time worker at Kmart for the past 6 months?  
   no
3. Why / why not?

There

1. Answer true or false for the following statements, and **rewrite them** correctly if they are **false** to make it true:
2. You have 14 days to lodge an unfair dismissal claim from the day you were sacked

You have 21 days to lodge an unfair dismissal claim from the day you were sacked

1. Casual employees can file unfair dismissal claims.
2. You can lodge an Unfair Dismissal claim if you have been sacked for a 'genuine redundancy'
3. Employees of larger businesses are able to make a claim for unfair dismissal before 6 months

Employees of larger businesses cannot make a claim for unfair dismissal before 6 months

1. Is it unfair dismissal if you filed a complaint against your boss and they fire you?

1. You must apply to FWA within 14 days after a dismissal takes effect, although FWA may accept late applications in limited circumstances

You must apply to FWA within 21 days after a dismissal takes effect, although FWA may accept late applications in limited circumstances

1. You have 30 days to lodge an unlawful termination claim from the day you were told you were sacked or finished up

You have 30 days to lodge an unlawful termination claim from the day you were told you were sacked or finished up

1. The Fair Work Ombudsman (FWO) deals with unlawful termination issues