

Based on your answers, the change of your employment was not a genuine transfer for redundancy purposes. Your answers suggest that you may be entitled for redundancy pay from the first employer under the National Employment Standards.

119 Redundancy pay

Entitlement to redundancy pay

- (1) An employee is entitled to be paid redundancy pay by the employer if the employee's employment is terminated:
 - (a) at the employer's initiative because the employer no longer requires the job done by the employee to be done by anyone, except where this is due to the ordinary and customary turnover of labour; or
 - (b) because of the insolvency or bankruptcy of the employer.

121 Exclusions from obligation to pay redundancy pay

- (1) Section 119 does not apply to the termination of an employee's employment if, immediately before the time of the termination, or at the time when the person was given notice of the termination as described in subsection 117(1) (whichever happened first):
 - (a) the employee's period of continuous service with the employer (other than periods of employment as a casual employee of the employer) is less than 12 months; or
 - (b) the employer is a small business employer.

122 Transfer of employment situations that affect the obligation to pay redundancy pay

Employee not entitled to redundancy pay if refuses employment in certain circumstances

- (3) An employee is not entitled to redundancy pay under section 119 in relation to the termination of his or her employment with an employer (the **first employer**) if:
 - (a) the employee rejects an offer of employment made by another employer (the **second employer**) that:
 - (i) is on terms and conditions substantially similar to, and, considered on an overall basis, no less favourable than, the employee's terms and conditions of employment with the first employer immediately before the termination; and
 - (ii) recognises the employee's service with the first employer, for the purpose of this Subdivision; and
 - (b) had the employee accepted the offer, there would have been a transfer of employment in relation to the employee.

*Meaning of **transfer of employment** etc.*

- (7) There is a **transfer of employment** of a national system employee from one national system employer (the **first employer**) to another national system employer (the **second employer**) if:
- (a) the following conditions are satisfied:
 - (i) the employee becomes employed by the second employer not more than 3 months after the termination of the employee's employment with the first employer;
 - (ii) the first employer and the second employer are associated entities when the employee becomes employed by the second employer; or
 - (b) the following conditions are satisfied:
 - (i) the employee is a transferring employee in relation to a transfer of business from the first employer to the second employer;
 - (ii) the first employer and the second employer are not associated entities when the employee becomes employed by the second employer.