

*Your responses suggest that the offer was a genuine offer, but if accepted it would not constitute a valid transfer of employment for legal purposes.*

## **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.

*Transfer of employment situation in which employer may decide not to recognise employee's service with first employer*

- (1) Subsection 22(5) does not apply (for the purpose of this Subdivision) to a transfer of employment between non-associated entities in relation to an employee if the second employer decides not to recognise the employee's service with the first employer (for the purpose of this Subdivision).

## **22 Meanings of service and continuous service**

*When service with one employer counts as service with another employer*

- (5) If there is a transfer of employment (see subsection (7)) in relation to a national system employee:
- (a) any period of service of the employee with the first employer counts as service of the employee with the second employer; and
  - (b) the period between the termination of the employment with the first employer and the start of the employment with the second employer does not break the employee's continuous service with the second employer (taking account of the effect of paragraph (a)), but does not count towards the length of the employee's continuous service with the second employer.

*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:
- (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.