

## 117 Requirement for notice of termination or payment in lieu

### *Amount of notice or payment in lieu of notice*

- (2) The employer must not terminate the employee's employment unless:
- (a) the time between giving the notice and the day of the termination is at least the period (the ***minimum period of notice***) worked out under subsection (3); or
  - (b) the employer has paid to the employee (or to another person on the employee's behalf) payment in lieu of notice of at least the amount the employer would have been liable to pay to the employee (or to another person on the employee's behalf) at the full rate of pay for the hours the employee would have worked had the employment continued until the end of the minimum period of notice.
- (3) Work out the minimum period of notice as follows:
- (a) first, work out the period using the following table:

Period	
	Period
Employee's period of continuous service with the employer at the end of the day the notice is given	
1 Not more than 1 year	1 week
2 More than 1 year but not more than 3 years	2 weeks
3 More than 3 years but not more than 5 years	3 weeks
4 More than 5 years	4 weeks

- (b) then increase the period by 1 week if the employee is over 45 years old and has completed at least 2 years of continuous service with the employer at the end of the day the notice is given.
- (4) A reference in this section to continuous service with the employer does not include periods of employment as a casual employee of the employer.

*You may also use the FWO calculator:*

<https://calculate.fairwork.gov.au/EndingEmployment>