Unfair Dismissal Law and Work Choices: From Safety Net Standard to Legal Privilege

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This article examines the amendments made to the Australian system of unfair dismissal law by the federal Work Choices Act. The main theme underlying those changes is one of contraction. Notably, a much larger proportion of the Australian labour force will not have recourse to challenge their dismissal on the basis that it was harsh, unjust or unreasonable. This is the effect of the Work Choices exemption of corporate employers with up to 100 employees, the operational reasons exemption that applies to corporate employers with over 100 employees, the exemption of seasonal workers and the extension of the qualifying period from three to six months. It is also the effect of moving towards a national system of unfair dismissal.