

SHOULD I RESIGN? IMPORTANT INFORMATION TO CONSIDER BEFORE HANDING IN YOUR RESIGNATION



Should I resign?

Short answer: Not before you receive some advice about your issue.

Every day we receive phone calls from workers who have resigned from their employment because they genuinely could not face another day.

We completely understand this situation; however, when a worker resigns from their employment, it can significantly impact on their ability to address the behaviour that is causing the workplace issues.

We may be able to provide you with advice about ways to address these issues internally or externally, but there are occasions where resignation can make it harder to or prevent you from being able to take action to stop the unfair treatment, and either keep your job or hold your employer accountable. That is, you may have an unfair dismissal, discrimination, workplace bullying or workers compensation claim. If you resign, it might be more challenging to pursue these types of claims.



What should I do if I can't face my workplace or someone in my workplace?

If you are unable to attend your workplace, you might consider seeing your General Practitioner and discuss taking some time off work. It is important to obtain a medical certificate from your doctor certifying that you are unfit for work.

The National Employment Standards provide that full-time employees have ten days of paid Personal Leave each calendar year (pro rata for part-time workers). If you have run out of paid personal leave, then you might consider applying to access your annual leave or long service leave.

You might also consider using unpaid leave if you do not have any personal leave days left. Generally, a worker will need to apply to access unpaid leave, annual leave or long service leave. An application can be done formally (through a proscribed workplace form) or be a simple email making the request.

You do not need to apply for personal leave.

In most cases, it is better to take some time away from the workplace rather than resign in the first instance.



My boss has given me an ultimatum: resign or be fired.

There is a practice in many workplaces where a manager or human resources representative will advise and employee that they can either resign or face dismissal.

If you resign, you may be prevented from making an unfair dismissal claim.

If this is happening to you, ask your employer for some time to consider the ultimatum and get some advice immediately. In most cases, this is a reasonable request, and if reasonable, your employer should agree. In some cases, it might be better that you resign. In other cases, your employer might be trying to avoid any consequences for their unfair treatment of you. It is very important that you seek advice before making this decision.

Where can I get help?

If you are a union member, call your union.

If you are not a union member, then please contact Working Women Queensland. We are a free, confidential and supportive service to help disadvantaged women seeking help with work-related matters.

Call us on 1800 358 511 or visit our website <https://brq.org.au/working-women-qld/>.

You can also submit an online enquiry on our website.

Please be aware that we may not be able to respond to your enquiry within 24 hours, but we will advise you of the waiting period when you first telephone or email us.

Other Support Services

Queensland Council of Unions

07 3010 2555

<https://www.qldunions.com/>

Fair Work Ombudsman

13 13 94

<https://www.fairwork.gov.au>

Women's Legal Service Queensland

1800 957 957

<https://wlsq.org.au/>

Caxton Legal Centre

07 3214 6333

<https://caxton.org.au/>