

# Unfair dismissal

The Act protects workers from unfair dismissal in a number of ways. For example:

- Workers cannot be dismissed from their job under harsh, unjust or unreasonable circumstances. For example, an employer could be in breach of the Fair Work Act if a person was fired for reasons associated with their epilepsy, rather than the quality and standard of their work
- An employee cannot be dismissed due to a temporary absence from work caused by injury or illness, if a medical certificate or relevant medical evidence is provided. This could include, for example, if a person living with epilepsy was dismissed due to taking time off for legitimate medical reasons, such as an injury sustained from a seizure or due to medication problems.

A worker is not protected from unfair dismissal if:

- They have been working for the business for less than a year, and the business employs less than 15 people
- They earn above a high-income threshold.

Workers can apply to the Fair Work Commission within 14 days of dismissal if they believe they have been unfairly dismissed.