



Working Women's Centre SA Inc.

Please note that this is general information & may not be relevant to your particular matter. This toolkit should not be taken as legal advice.

Should I resign?

Important information to consider before handing in your resignation.



THE WORKING WOMEN'S CENTRE SA INC

Phone: (08) 8410 6499 | Toll free: 1800 652 697

Email: wwc@wwc.org.au | Website: www.wwc.org.au

level 1 station arcade, 52 Hindley st, Adelaide, SA, 5000

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 unfair, discriminatory behaviour that is causing the workplace issues.

There may be ways for you to address your issues internally and we can provide with you advice about this.

There also may be ways for you to address the unfair treatment through an external process, but there are occasions where resignation can bar you pursuing a remedy for the unfair treatment. 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 generally 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 Personal Leave each calendar year (pro rata for part-time workers). If you have run out of 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 than it is to resign rashly.

THE WORKING WOMEN'S CENTRE SA INC

Phone: (08) 8410 6499 | Toll free: 1800 652 697
Email: wwc@wwc.org.au | Website: www.wwc.org.au
level 1 station arcade, 52 Hindley st, Adelaide, SA, 5000

Should I resign?

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 an 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 advice?

If you are a union member, call your union.

If you are not a union member, then please feel free to call the Working Women's Centre on **08 8410 6499** or using our toll free number **1800 652 697**.

You can also submit an online enquiry on our website.

<https://wwcsa.org.au/contact-us/>

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

THE WORKING WOMEN'S CENTRE SA INC

Phone: (08) 8410 6499 | Toll free: 1800 652 697
Email: wwc@wwc.org.au | Website: www.wwc.org.au
level 1 station arcade, 52 Hindley st, Adelaide, SA, 5000