

Feeling pressured to respond to your employer

employment law

YOUR RIGHTS

It is reasonable to ask for 7 to 14 days to consider an offer and get some advice if needed.

Have you been asked to respond to an offer or a change in your employment immediately or within 24 hours, and you cannot get advice in that time or consider your options properly?

Maybe you have been asked to sign something or to respond to a letter, but you cannot get an appointment with a lawyer in time?

Here is some general information to assist you until you can get legal advice.

YOU CAN ALWAYS ASKED FOR MORE TIME

- Generally, it is best to have some time to consider your options and, ideally, get advice.
- It is reasonable to ask for 7 to 14 days to consider an offer and get some advice.
- You should be given an opportunity to properly read anything you are asked to sign or agree to.
- Check that you have been given the whole document—not just the signature page.

- If you are dismissed for asking for more time, then get advice—it might not be lawful termination, and you may be able to receive compensation.

THE RISK OF AN OFFER BEING WITHDRAWN

There is a risk that an offer can be withdrawn, but agreeing to something bad might be worse.

- If you ask for more time, there is a risk that your boss might say no, or take the offer off the table.
- If that happens, this might be a red flag that something is not quite right.
- If you agree to something, you will generally be bound to that decision.
- Agreeing to something might cancel (or extinguish) certain legal rights. That means you cannot get them back.

Tip: Practise this phrase in case you are put on the spot maybe with a friend and change the words to fit the scenario.

Thank you for this opportunity. I know you want an answer, but I have been told to take this type of document to a lawyer, so I would like seven days to do that.

Received something in writing? Maybe respond by email.

Thank you for sending this through. I will need some time to consider the implications of this (agreement/ offer/ contract/letter). I recognise that you need an answer as soon as possible, but may I please have 7 to 14 days to respond so that I can get it looked over?



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SOME COMMON SITUATIONS

Termination versus resignation

There are pros and cons to accepting a termination or choosing to resign. You may need legal advice to decide which is best for you.

If you resign, you will generally lose the right to complain of unfair dismissal (see more about unfair dismissal below).

It is very difficult to prove that you have been forced to resign—if you are unsure, it is best to get legal advice.

Backpay agreements

- Sometimes employers make mistakes about the rate of pay and might offer backpay.
- Some employers then ask employees to sign a letter that sets out the amount of backpay.
- You can ask to take time to check that the hours and rate are accurate.
- If you sign without checking, this might waive your right to say the amount is wrong in the future.

Change to your arrangements

You may have received a letter stating a change to your duties, responsibilities, location, or rate of pay.

This might be something you agree with—maybe you do want less responsibility and are happy with a lower rate of pay. However, you should have the opportunity to check that you are okay with everything written in the letter.

A show cause letter

This is a serious letter that sets out allegations about work performance or behaviour.

- You should be given a reasonable time to respond to the letter.
- If you do not respond at all, this can have serious consequences such as dismissal.
- It is very important to take time to think carefully about what to say, how to say it and whether you need advice.
- Receiving a letter like this can be very upsetting, so ensure you are able to respond without emotion. This might be another reason to get some support and advice.

Request to get medical clearance

There are some situations where it is reasonable for an employer to ask you to get a medical clearance from a doctor.

However, these can be limited. For example, it may be reasonable for your employer to ask for a medical certificate if there is:

- an express term in your contract that applies in your circumstances
- an industry requirement stated in law
- a genuine need (i.e. prolonged illness that might have safety implications).

You have a right to confidentiality, and it is reasonable to get advice about whether you need to agree to the request being given.

Losing your job

If you lose your job for asking for more time, seek legal advice as soon as possible. You may have a claim, but get advice quickly—for some claims you have only 21 days to lodge a complaint.

As a first step, always seek legal advice. You can also look at self-help resources.



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LEGAL RESOURCES

Fair Work Commission

The Fair Work Commission is a government body who helps resolve workplace disputes. Here are some good resources to start with:

- Unfair Dismissal
fwc.gov.au/job-loss-or-dismissal/unfair-dismissal
- Understand General Protections
fwc.gov.au/job-loss-or-dismissal/dismissal-under-general-protections/about-general-protections/understand

Queensland Industrial Relations Commission

If you are a Queensland Government employee or an employee of a Queensland local government body, then you will most likely need to consider the processes through the commission.

- Unfair Dismissal
qirc.qld.gov.au/unfair-dismissal
- What is a General Protection
qirc.qld.gov.au/what-general-protection

Queensland Law Handbook

- Unfair Dismissal
queenslandlawhandbook.org.au/the-queensland-law-handbook/living-and-working-in-society/employment/unfair-dismissal/
- Unlawful Dismissal
queenslandlawhandbook.org.au/the-queensland-law-handbook/living-and-working-in-society/employment/unlawful-dismissal/

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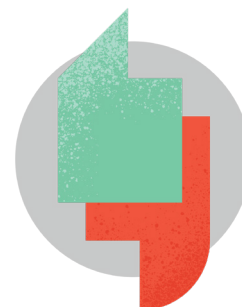
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This information is current at July 2024.



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