Casual employment contract template|  
(updated March 2020)

**The Pastoral Award 2010** Casual employees must be told that they are employed as a casual employee, the identity of the employer, their hours of work, classification level and pay rate. Employers are not required under the Pastoral Award 2010 to provide a written statement to casual employees but this is advisable.

The contract of employment must not contain any terms or conditions for work which are inconsistent with or less favorable to the employee than the Pastoral Award 2010 and the National Employment Standards. If it does, these terms and conditions will not be enforceable.

Suggested steps for preparing and using a contract template

## Step 1: Have all the paperwork ready that you’ll need

Before you can complete the contract template, make sure read the example contract thoroughly. The contract makes reference to the modern awards and the National Employment Standards, so you might like to have those handy. You’ll also need the position description to make sure the contract matches the job.

## Step 2: Complete the contract by filling in the detail where indicated in green

This contract caters for **casual employees** - fill in the detail, as indicated. There is a **separate contract** for **full & part time workers** in the [Am I ready to employ someone?](http://www.peopleinag.com.au/general/employers/am-i-ready-to-employ-someone/what-do-i-want-from-an-employee/) section.

## Step 3: Attach the position description

A position description should include:

* the job title;
* a summary of the role and how it fits into the business;
* details of the tasks to be undertaken for the role;
* the reporting structures and working relationships that apply;
* levels of performance required

You can download a sample position description and template in the [Am I ready to employ someone?](http://www.peopleinag.com.au/general/employers/am-i-ready-to-employ-someone/what-do-i-want-from-an-employee) section.

## Step **4**: Detail other benefits

The template provides a section for you to detail other benefits, such as accommodation.

Step 5: Meet with the new employee and provide employment contract

Meeting face to face with your new employee to provide the contract and talk about the contents is a good opportunity for:

* you to explain the terms and conditions of employment
* the employee to ask questions, and
* you to describe your expectations for the job

Step 6: Give your new employee time to consider the employment contract

You should give the person enough time to consider the contents of employment contract and seek their own advice (if they want to) before they accept the offer. When providing the contract you should give a date when you’d like the person to let you know whether the offer is accepted or not. Also, it is good practice to give the employee your contact details in case they have more questions.

Step 7: Keep a copy of the signed contract and provide the employee with a copy

Once you have received the signed contract from the employee, return a copy to them. This ensures you both have a record of what has been agreed.

EMPLOYMENT CONTRACT

*(For casual employees of National System Employers) (Note 1)*

This is an employment contract

**BETWEEN** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**the Employer**

AND

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**the Employee**

1 Commencement Date

This employment contract commences on the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

2 Award

The PastoralAward 2010 and the federal industrial laws govern this employment contract.

3 Employment Category (Note 2)

The employee is employed as a casual \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_to undertake the duties as outlined in the attached position description. *[Position description attached.]*

4 Employment Classification (Note 4)

The employee is classified as a \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

5 Ordinary hours of work (Note 3)

The ordinary hours of work are \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

**6 Overtime/Additional hours** **(Note 3)**

6.1 The employee will be expected to work reasonable additional hours.

6.2 This contract anticipates that the employee will work \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_of overtime/additional hours.

7 Remuneration (Note 4)

7.1 The rate of pay is \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_per hour/per week *[delete where not applicable]*.

7.2 The rate of pay in clause 7.1 includes a casual loading of 25% which compensates the employee for annual leave, personal carer’s leave, notice of termination, redundancy benefits and other attributes of full-time or part-time employment.

7.3 The rate of pay for overtime is \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

7.3. The employer will pay the employee weekly/fortnightly*[delete where not applicable]* into a bank account/by cheque/in cash *[delete where not applicable]*.

8 Annual Leave (Note 5)

The employee is not entitled to annual leave as the casual loading compensates him/her for annual leave.

**9 Personal/Carer’s leave and Compassionate Leave (Note 6)**

“Immediate family” is defined as follows:

a) A spouse, child, parent, grandparent, grandchild or sibling of the employee;

b) A child, parent grandparent, grandchild or sibling of a spouse of the employee.

9.1 The employee is entitled to two days unpaid personal/carer’s leave per occasion for the purpose of caring for a member of their immediate family or household who requires care or support because of personal injury, illness or an unexpected emergency.

9.2 The employee is entitled to two days unpaid compassionate leave per occasion for the purpose of attending the funeral of a member of the employee’s immediate family or a member of the employee’s household or for spending time with a member of the employee’s immediate family or a member of the employee’s household who has a personal injury or illness which poses a serious threat to his or her life.

9.3 The employer may require medical evidence or a statutory declaration for any period of personal/carer’s leave or compassionate leave.

**10 Public Holidays (Note 7)**

10.1 In accordance with the National Employment Standards, the employee is entitled to paid leave for the hours they would ordinarily work on public holidays which fall on days when the employee is rostered to work.

10.2 If the employee works on a public holiday he/she is entitled to be paid at double time.

**11 Community Service Leave (Note 8)**

11.1 The employee is entitled to unpaid community service leave to attend jury service or a voluntary emergency management activity as provided for in the NES.

11.2 The employee must provide evidence of the need for the leave if required to do so by the employer.

**12 Long Service Leave (Note 9)**

The employee is entitled to long service leave as provided for in the National Employment Standards or state legislation.

**13 Parental Leave (Note 10)**

The employee is entitled to Parental Leave in the form of Maternity, Paternity or Adoption Leave as provided for in the National Employment Standards.

**14 Flexible Working Arrangements (Note 11)**

The employee is entitled to make a written request for flexible working arrangements once the employee has completed 12 months continuous service.

15 Family and Domestic Violence leave (Note 12)

The employee is entitled to 5 days’ unpaid leave per year to deal with family and domestic violence in accordance with clause 26A of the Pastoral Award 2010.

16 Superannuation

The employer will make superannuation contributions to a fund nominated by the employee. The superannuation contribution will be not less than that required under the *Superannuation Guarantee (Administration) Act*.

17 Other Benefits

*[Other benefits e.g. accommodation can be listed here.]* **(See Note 15)**

**SIGNED**

**THE EMPLOYER**

**THE EMPLOYEE**

**DATED**

NOTES TO THE FEDERAL EMPLOYMENT CONTRACT FOR CASUAL EMPLOYEES

GENERAL – Interpretation –

NOTE (1)

National system employer

This template is for national system employers employing casual employees.

All employers in the private sector in New South Wales, Victoria, Tasmania, South Australia, Queensland, the Australian Capital Territory and the Northern Territory are called national system employers.

Businesses in Western Australia run by a company, including trusts with a company trustee, which employ workers as part of their business, are also called national system employers.

Employers in Western Australia who run their business as a sole trader, partnership or trust which does not have a company trustee are called non national system employers. They should use the template for Western Australia.

NOTE (2) EMPLOYMENT CATEGORY

Casual employees

Casual employees are employees who do not have regular or systematic hours of work or an expectation of continuing work. A typical casual employee is employed on a daily basis when the need arises. Casual employees are usually paid a loading to compensate them for lack of entitlements such as annual leave, personal leave and the lack of continuity of work.

The Pastoral Award 2010 has a casual loading of 25% (See Note 3 below).

Employees who work similar hours each week which are known in advance should be hired as part-time employees and paid the various entitlements calculated on a pro-rata basis.

Casual employees may be entitled to overtime and payment for weekend work and public holidays depending upon the award.

Unfair termination laws have for some time recognised the concept of regular casual employees.

Employers should be aware that the federal industrial laws allow all casual employees engaged on a regular and systematic basis with a reasonable expectation of continuing employment to bring an action for unfair dismissal. They are also entitled to parental leave.

Notice periods do not usually apply to casual employees and this continues under the federal industrial laws which exempt employers of both short-term casuals and casuals engaged on a regular and systematic basis from the requirement to give notice.

NOTE (3) HOURS OF WORK

Hours of work may be governed by an award or legislation. Most employees on farms will be covered by the Pastoral Award 2010. However, note that managers are excluded from awards and therefore the federal industrial laws will govern their employment entitlements.

If employers want to put in place hours of work which are more flexible than the award then they should enter into a formal enterprise agreement or an Individual Flexibility Agreement under the award.

The term ‘ordinary hours’ means hours of work where overtime is not payable.

Pastoral Award 2010

Ordinary hours

Under this award ordinary hours (see definition of ordinary hours above) are 152 hours worked over a four-week period. Ordinary hours for casual employees are the same as for full-time employees.

*Minimum engagement*

The Pastoral Award 2010 provides that casual employees are entitled to be paid for a minimum of 3 hours’ work, or 2 hours for full time secondary school students who are 18 years of age or under.

Overtime

Once the 152 hours have been worked overtime is paid at the rate of time and a half for all hours worked with double time being paid for any work done on Sundays.

The National Employment Standards (NES) about reasonable additional hours also applies to award employees. (See below)

**Time Off Instead of Overtime (previously time off in lieu – TOIL- or ‘banked hours’)**

The Award provisions about TOIL changed substantially as of the first pay period on or after 27 November 2017. For further information visit the [Determining Pay rates and Classifications section of the People in Agriculture website.](https://www.peopleinag.com.au/farming/employers/pay-rates-awards-and-payroll/award-rates-work-agreements-and-pay-entitlements#Determining-pay-rates-and-classifications)

Federal Industrial Laws – The NES

The National Employment Standards (NES) apply to all employment contracts as a minimum for all national system employers.

Some of the entitlements in the NES do not apply to casual employees as the casual loading compensates them for these entitlements.

They are as follows:

* Annual leave
* Some aspects of personal/carer’s leave;
* Payment for attending jury service
* Notice of termination and redundancy benefits

Ordinary hours

Under the NES, ordinary hours of work for full-time non-award employees are 38 hours per week but these hours can be averaged over a 26-week period by written agreement between the employer and the employee. This only applies to non award employees such as managers. See above for hours of work for award employees.

**Overtime**

The NES does not use the word ‘overtime’. Under the NES, employees may be asked to work reasonable additional hours. The employment contract can only express hours of work in excess of the maximum 38 hours per week as *reasonable additional hours*.

What is reasonable for additional hours is decided by weighing up a variety of factors including risks to occupational health and safety; operational requirements of the business; personal circumstances and family commitments; whether the employee has had notice of the likelihood of the need for additional hours; and whether the employee has previously indicated a willingness or capacity to work additional hours. Generally this will be a process of balancing the needs of the enterprise with the employee’s needs.

The NES does not specify any extra payment for overtime for non award employees such as managers.

NOTE (4) PAY RATES

National system employers

The national minimum wage applies to all common law employment contracts for all award free employees of national system employers.

If the employee is not covered by an award, for instance a manager, the national minimum wage still applies to every hour worked and the salary paid must reflect this.

Employers bound by the Pastoral Award 2010 should consider the pay rates contained in this award.

Pay rates

As pay rates vary no pay rates are included in this document.

Go to the following websites for more information:

Pastoral Award 2010

<http://www.fwa.gov.au/documents/modern_awards/pdf/MA000035.pdf>

National minimum wage

<http://www.fwa.gov.au/index.cfm?pagename=minlatest>

When determining a pay rate employers and employees should consider not only wages and salary but also other benefits which may be provided by the business for the purpose of making the position more attractive to the employee and thus assisting in staff retention. Employers could consider other benefits such as accommodation and use of vehicles, provision of meat and milk, extra superannuation, and extra leave entitlements.

*Frequency of payment*

The Pastoral Award 2010 specifies that award employees must be paid weekly or fortnightly.

For more information on working out a remuneration package, including information on Fringe Benefits Tax, go to the [Determining Pay Rates and Classifications section of the People in Agriculture website.](https://www.peopleinag.com.au/farming/employers/pay-rates-awards-and-payroll/award-rates-work-agreements-and-pay-entitlements#Determining-pay-rates-and-classifications)

NOTE (5) ANNUAL LEAVE

Casual employees are not entitled to annual leave under the NES as the casual loading contains a component which compensates them for not receiving this entitlement.

Cashing out of annual leave

Annual leave can only be cashed out by award employees if it is a term of an award or enterprise agreement.

As of 29 July 2016 employers and employees covered by the Pastoral Award 2010, can agree in writing to cash out annual leave. The maximum amount of annual leave that can be cashed out in any 12-month period is 2 weeks and employees must keep a minimum of 4 weeks’ accrued leave. The Award provides a template written agreement in a Schedule at the end of the award. This agreement must be kept with the employee’s employment records.

For a [template agreement to cash out annual leave](https://www.peopleinag.com.au/media/24951/agreement-to-cash-out-annual-leave.docx), visit the [Annual leave section of the People in Agriculture website.](https://www.peopleinag.com.au/farming/employers/employee-leave-holidays-and-termination/employee-leave-entitlements-and-public-holidays#Annual-leave)

NOTE (6) PERSONAL/carer’s LEAVE and compassionate leave

Only some aspects of the NES provisions apply to casual employees.

Carer’s leave

Casual employees are entitled to 2 days of unpaid carer’s leave per occasion.

Compassionate leave

Casual employees are entitled to 2 days unpaid compassionate leave per occasion.

Compassionate leave can be taken on 2 consecutive days, 2 separate days or any other period as agreed between the employer and the employee.

Compassionate leave is available for employees to spend time with a member of their immediate family or household who has developed personal illness or injury or after the death of a member of their immediate family or household.

**Notice and evidence requirements**

When taking personal/carer’s leave and compassionate leave, employees must do the following or they are not entitled to take the leave:

* notify their employer as soon as is reasonably practicable (which can be a time after the leave has started);
* state the period, or expected period, of the absence
* if required by the employer—provide evidence that would satisfy a reasonable person of their entitlement to take the leave. (this can be a medical certificate or statutory declaration)

NOTE (7) PUBLIC HOLIDAYS

The NES & the Pastoral Award 2010

The NES provides for employees to be absent from work on specified public holidays and this applies to both award and non award employees.

Payment is the employee’s base rate of pay for ordinary hours of work.

Casual employees are not entitled to pay for public holidays unless they were rostered for work on that day.

The following days are public holidays for the NES:

* 1 January (New Year’s Day)
* 26 January (Australia Day)
* Good Friday
* Easter Monday
* 25 April (Anzac Day)
* Queen’s birthday holiday
* 25 December (Christmas Day)
* 26 December (Boxing Day)

If a State or Territory substitutes another day or declares an additional day, the employee is entitled to be absent on that day. If a day is substituted then this day becomes the public holiday for the purpose of working out entitlements and not the other day.

Substitution of other days

The Pastoral Award 2010 allows for employers and individual employees or employers and the majority of employees to agree to substitute an alternative day for the public holiday.

Award free employees can agree with employers to substitute public holidays.

Enterprise Agreements can also provide for substitution of public holidays.

Requests to work on public holidays

An employer may request an employee to work on a public holiday if the request is reasonable.

The request may be refused if it is unreasonable or the employee’s refusal is reasonable. The NES provides list of factors to be taken into account when determining the reasonableness of a request or refusal.

Payment for working on public holidays

Payment for working on a public holiday is an award entitlement which does not apply to non award employees such as managers.

The Pastoral Award 2010

Work done on public holidays by farm and livestock hands is paid at the rate of double time.

**NOTE (8) COMMUNITY SERVICE LEAVE**

The NES provides an entitlement to leave for all employees required to attend jury service and for those who engage in a voluntary emergency management activity.

Jury service leave

Casual employees are not entitled to be paid by their employer for attending jury service as the casual loading compensates them for this entitlement.

Voluntary emergency management activities

Employees are entitled to unpaid leave to engage in voluntary activities which involve dealing with a natural disaster or emergency if they are voluntary members of the emergency management body and the body has requested them to attend. Emergency management bodies include fire fighting bodies, civil defence and rescue.

Notice requirements – community service leave

Employees must give employers notice of the need for community service leave as soon as possible and advise the employer of the expected length of the absence. Employers can also require employees to give them reasonable evidence of the need for the leave.

NOTE (9) LONG SERViCE LEAVE

State and territory laws provide for long service leave.

For further information, [visit the People in Agriculture website.](https://www.peopleinag.com.au/)

NOTE (10) PARENTAL LEAVE

The federal parental leave laws contained in the NES apply to all employers.

Parental leave involves unpaid maternity leave, paternity leave and adoption leave.

Parents cannot take parental leave at the same time except for a period of up to eight weeks in total. This period of concurrent leave may be taken in separate periods but unless the employer agrees, each period must not be shorter than 2 weeks.

The concurrent leave must not start before the date of birth of the child or the day of placement of the child if the leave is adoption leave unless the employer agrees.

The entitlement exists once an employee has worked for the employer for 12 months. It also applies to certain long-term casual employees.

The laws about parental leave are complex and there are specific requirements for notification. Employers should seek legal advice or advice from their local state farming organisation if an employee becomes eligible for parental leave. For further information, [visit the People in Agriculture website.](https://www.peopleinag.com.au/)

NOTE (11) REQUESTS FOR FLEXIBLE WORKING ARRANGEMENTS

The laws about requests for flexible working arrangements changed on 1 December 2018. As of that date Clause 26B of the Pastoral Award provides additional requirements which apply to award employees.

The NES give employees the right to request a change to working arrangements in the following circumstances:

* If the employee is a parent, or has the responsibility for the care, of a child who is of school age or younger:
* The employee is a carer (within the meaning of the Carer Recognition Act 2012);
* The employee has a disability;
* The employee is 55 or older;
* The employee is experiencing violence from a member of the employee’s family;
* The employee provides care or support to a member of the employee’s immediate family, or a member of the employee’s household, who requires care or support because the member is experiencing violence from the member’s family.

In addition, parents or those who have responsibility for the care of a child and who are returning from a period of parental leave or adoption leave may request to work part-time to assist the employee to care for the child.

Permanent employees can make a request for flexible working arrangements if they have completed 12 months’ continuous service with the employer.

Casual employees who have worked for the employer on a regular and systematic basis during a period of at least 12 months and who have a reasonable expectation of continuing work can also make a request for flexible working arrangements.

The request must be in writing and provide details of the change sought and reasons for the change.

If the employee is an award employee the employer and the employee must discuss the request and genuinely try to reach an agreement which will accommodate the employee’s circumstances having regard to the following:

* the needs of the employee arising from their circumstances;
* the consequences for the employee if changes in working arrangements are not made; and
* any reasonable business grounds for refusing the request.

If the employee is award free the employer must consider the request.

Employers must respond to the request in writing within 21 days and give reasons if the request is refused.

A request may only be refused on *reasonable business grounds* which should be specified in the written response.

If the request is refused, award employees must also be provided with details of the reasons for the refusal and details of how the reasonable business grounds apply to them. In addition, the written response for award employees must state whether or not there are any changes in working arrangements that the employer can offer to the employee to better accommodate the employee’s circumstances and if so these changes must be set out in the response.

If the employer and the award employee reach an agreement on a change in working arrangements that differs from that initially requested by the employee, the employer must provide the employee with a written response to their request setting out the agreed change(s) in working arrangements.

*Reasonable Business Grounds* are defined as follows:

Fair Work Act provides the following list of matters which may amount to reasonable business grounds but there may be others:

* That the new working arrangements would be too costly for the employer;
* That there is no capacity to change the working arrangements of other employees to accommodate the new working arrangements requested by the employee;
* That it would be impractical to change the working arrangements of other employees or recruit new employees to accommodate the new working arrangements requested by the employee;
* That the new working arrangements requested by the employee would be likely to result in a significant loss in efficiency or productivity;
* That the new working arrangements requested by the employee would be likely to have a significant negative impact on customer service;

Disputes about whether the employer has discussed the request with the award employee and responded to the request in the way required by clause 26B,can be dealt with under the dispute resolution clause in the Pastoral Award.

**NOTE (12) FAMILY AND DOMESTIC VIOLENCE LEAVE**

Family and Domestic Violence Leave is an award entitlement which applies as of 1 August 2018. See clause 26A of the Pastoral Award 2010.

*Family and domestic violence is defined as*:

Violent, threatening or other abusive behaviour by a family member of an employee that seeks to coerce or control the employee and that causes them harm or to be fearful

*Family member is defined as:*

* a spouse, de facto partner, child, parent, grandparent, grandchild, sibling of employee;
* a spouse, de facto partner, child, parent, grandparent, grandchild, sibling of employee’s spouse or de facto partner;
* a person related to the employee according to Aboriginal or Torres Strait Islander kinship rules.

NB: This includes former spouses or de facto partners.

Family and Domestic Violence Leave is unpaid leave of 5 days per year for domestic violence victims to deal with family and domestic violence.

Family and Domestic Violence Leave applies in full to all employees including part time and casual employees.

Family and Domestic Violence Leave does not accrue progressively or accumulate from year to year but is available in full at the commencement of each 12-month period of the employee’s employment.

Family and domestic violence victims do not have to have exhausted other forms of leave before accessing Family and Domestic Violence Leave.

**Notice and evidence requirements**:

* Notice must be given to the employer as soon as practicable which can be after the leave has started.
* The employee must advise employer of the expected period of the leave.
* If required by the employer, the employee must provide evidence that would satisfy a reasonable person that the leave is taken for family and domestic violence reasons

eg a document from police/family violence support service/family court or a statutory declaration

**Confidentiality requirement**

Employers must ensure that any information provided by the employee with respect to family and domestic violence leave is treated confidentially.

NOTE (13) TERMINATION

It is very important to manage employee separation carefully whether the employee is leaving because of resignation, redundancy or dismissal. First, it minimises the risk of legal problems and secondly, it protects the reputation of both your business and you as an employer.

Employers should use fair procedures when terminating employees as replacing employees is expensive and claims for unfair or unlawful dismissal can be costly and time consuming to defend.

Termination of employment can lead to court action. Employers who are considering dismissing an employee should always obtain legal advice before doing so.

For further information, [visit the People in Agriculture website.](https://www.peopleinag.com.au/)

NOTE (14) NOTICE PERIODS

Casual employees are not entitled to notice of termination as the casual loading compensates them for this entitlement.

NOTE (15) ACCOMMODATION

Residential tenancies laws may apply to accommodation on farms where the accommodation is not a part of the wider lease of the farming property. These laws lay down notice periods for ending the tenancy, whether bonds can be required and how much can be charged as well as rules regarding repairs and inspection and agreements with specific terms. Breaches of these laws attract fines.

*Deduction of rent*

The Fair Work Act requires written authority from the employee if rental is deducted from wages or salary.

Go to the [Payslips Section of the People in Agriculture website to find a template for the ‘Authority To Deduct Form’.](https://www.peopleinag.com.au/farming/employers/pay-rates-awards-and-payroll/managing-farm-payroll#Payslips)

New South Wales, South Australia, Tasmania and Western Australia

In New South Wales, South Australia, Tasmania and Western Australia, residential tenancy laws do not usually apply where the tenancy is not ‘for value’ or ‘consideration’ which means that no rent is paid for the accommodation. However, farmers should be aware that making accommodation a part of a formal workplace agreement where the accommodation is used as a part of the Better Off Overall Test may have the effect of making the tenancy ‘for value’ and residential tenancy laws may then apply.

Victoria

In Victoria, residential tenancy laws do not apply where the tenancy is a part of the employment contract. Employers should agree with employees on a fair period of notice which will apply in the event that the employment is terminated. The notice period should be long enough to enable the employee to find alternative accommodation but also recognise the needs of the employer if the property is needed for a new employee. As a minimum, three to four weeks is considered to be fair in these circumstances.

Queensland

The Queensland residential tenancies laws may apply to accommodation on farms where the accommodation is not a part of the wider commercial lease of the farming property. Whilst residential tenancy laws can protect both the tenant and the landlord, the notice periods for ending the tenancy (four weeks) can be problematic when accommodation has been part of a remuneration package and an employee leaves as a result of their employment being terminated either with notice but particularly when dismissed summarily for misconduct. In these circumstances the only avenue available to the employer is to make an application to the tenancy tribunal to have the lease terminated earlier on the ground of hardship.