Q. Is it necessary for an employer to “accept” a resignation in order for it to be effective?

A. No. The giving of notice of resignation by an employee is a unilateral right that brings the employment to an end. It does not depend on the acceptance or rejection by the employer in order to be effective. The effect of giving notice of resignation is to end the contract of employment by effluxion of time at the end of the notice period.¹

Q. Is an employee able to retract notice of resignation?

A. In some circumstances. The general rule is that once an employee has given notice of their resignation, they are not able to withdraw it except with the consent of the employer.

An exception to this would occur in circumstances where the employee has clearly given their resignation in the heat of the moment, and in particular where they have swiftly moved to retract the verbal or written resignation.

¹ Re Rodney Birrell v Australian National Airlines Commission [1984] FCA 378