

Preparing for an unfair dismissal conciliation



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Before the day

- ✓ **Make sure you're free at the time we send you**
Book out at least 90 minutes in your calendar, and set a reminder to help you remember. If you don't have a mobile device or computer, or internet access, let us know as soon as you can.
- ✓ **Tell us if you need an interpreter at the conciliation**
With notice, we can arrange for you to have an interpreter — at no cost to you.
- ✓ **Prepare what you are going to say**
The conciliator will ask you to give a short summary of your case. You can use the worksheet on the next page to help you prepare.



- ✓ **Think about how you want to settle the case**
Consider what things you would agree to in order to resolve the case. Remember, settling at conciliation means you can avoid a formal hearing or conference.
- ✓ **Save your conciliation booking email**
We'll send you an email 3 days before the conciliation. It will have the link you'll need to join the conciliation.
- ✓ **Download the free Microsoft Teams app if you're going to join on your phone or tablet**
Do this *before* the day of your conciliation so that you're ready to go. You will be able to create an account, or join the conciliation on the day as a guest.

If you plan to use a computer, you don't need to download anything. The conciliation will be audio-only, so you won't need to turn on your camera.

On the day

- ✓ **Find somewhere quiet and comfortable**
Arrange a quiet, private place to join the conciliation so that you won't be interrupted.

Have a drink of water handy, in case you need it. Don't drive during the conciliation.
- ✓ **Check your device (phone, tablet or computer)**
Make sure it's fully charged and that you have good internet access. Plug it in if you can.
- ✓ **Have your information ready**
Have all documents in front of you. This includes information that you and the other side have provided as part of the case. It can also be helpful to have other relevant information, like warning letters, the letter of termination, or payslips.
- ✓ **Have a pen and paper handy**
You may want to write notes to help you remember things.
- ✓ **Be ready to join the conciliation on time**
Click the link in the booking email to join the conciliation at least 5 minutes before it starts, then wait for the conciliator to admit you. If you accidentally disconnect at any time, click the link in your email again to rejoin.
- ✓ **Have your phone nearby in case we need to call you**
If you experience technical issues on the day, the conciliator will try to call you using the contact numbers provided on your application or response form.

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Worksheet

1. What are the main things I want to say about what happened?

Tip: Write down the main events relating to the dismissal in the order they happened. This could include any relevant incidents, performance or conduct discussions, dismissal meetings, and when the employee was notified of the dismissal. Read the other side's documentation and note any key points you believe are incorrect. Be brief, as you will only have a short amount of time to summarise your case in the conciliation.

2. Why do I think the dismissal was unfair/not unfair?

Tip: Unfair dismissal means a dismissal was harsh, unjust or unreasonable, was not consistent with the Small Business Fair Dismissal Code, and was not a case of genuine redundancy.

Eligibility rules apply. Visit our website to find out more:

www.fairwork.gov.au/ending-employment/unfair-dismissal

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3. What outcomes do I want from the case?

Tip: In a conciliation, a range of outcomes are possible as long as both sides agree. Write a list of what you want and work out if some outcomes are more important to you than others. Consider how the other side is likely to respond. If you think money will be discussed, note down the employee's gross weekly rate of pay (before tax).

4. If I can't get exactly what I want, what other outcomes would I accept?

Tip: Resolution often involves compromise, so it's important to be flexible and realistic. Think about things that may be acceptable to you and the other side. Consider what you would settle for now, instead of waiting for a formal conference or hearing with an unknown outcome.