

9 May 2019

Jo West

jowest@generalthings.com.au

Dear Jo West,

**Application for Unfair Dismissal Remedy**

**Title:** Zhang v General Things Pty Ltd

**Fair Work Commission File Number:** UD2019-123

The Fair Work Commission (‘the Commission’) received an unfair dismissal application on 6 May 2019from Lisa Zhang seeking an order for a remedy in relation to the termination of the employment of Lisa Zhang by General Things Pty Ltd.

Lisa Zhang filed their application outside of the legislated timeframe, being 21 days.

At this time, the Commission has made no decision about the validity or the merits of the application or whether an extension of time is to be granted.

A **conciliation** on the application will be held on 23 May 2019 (see attached Notice of Listing). The conciliation may take up to two hours.

The conciliation will be conducted by a Commission conciliator and involve General Things Pty Ltd and Lisa Zhang.

The aim of the conciliation is to assist General Things Pty Ltdand Lisa Zhangto reach a mutually agreed resolution of the application. Such resolution will avoid legal proceedings on the application. General Things Pty Ltdshould, therefore, take part in the conciliation.

Should the conciliation be unsuccessful in resolving the application on mutually agreeable terms, the application will be referred to a Member of the Commission to consider whether to allow an extension of the time for lodging an application of this type.

The Member must then consider and be satisfied that there are exceptional circumstances, taking into account:

* the reason for the delay;
* whether the person first became aware of the dismissal after it had taken effect;
* any action taken by the person to dispute the dismissal;
* prejudice to the employer (including prejudice caused by the delay);
* the merits of the application; and
* fairness as between the person and other persons in a similar position.

To assist General Things Pty Ltd in preparing for the conciliation, please find attached a:

1. Notice of Listing regarding the conciliation;
2. Copy of the unfair dismissal application; and
3. Employer’s Response to Application for an Unfair Dismissal Remedy form.

You can find more information about the Unfair Dismissal process, including guides relating to the key stages of the process at the Commission’s website: [www.fwc.gov.au/termination-of-employment](http://www.fwc.gov.au/termination-of-employment).

Employers may find the following guides helpful in preparing for conciliation:

* [Guide 4 - Responding to an application](https://www.fwc.gov.au/documents/factsheets/Guide_4_RespondingApp.pdf)
* [Guide 5 - Objecting to an application](https://www.fwc.gov.au/documents/factsheets/Guide_5_ObjectiontoApp.pdf)
* [Guide 6 - Preparing for a conciliation](https://www.fwc.gov.au/documents/factsheets/Guide_6_PreparingforConciliation.pdf)

Should you have trouble accessing any of these guides, or you do not have access to the internet, you may contact the Commission on 1800 759 566 and request a copy be posted to you.

The **Employer’s Response to Application for an Unfair Dismissal Remedy form** must be **completed** by General Things Pty Ltd and **returned** to the Commission **within 7 days**. The completed form may be returned by email, facsimile or post. General Things Pty Ltd must also send a copy of the completed form to Lisa Zhang at the same time.

If General Things Pty Ltdhas any queries about this matter or requires an interpreter at the conciliation, please contact us on 1800 759 566or go to the Commission website at [www.fwc.gov.au](http://www.fwc.gov.au/). If you have any complaints or other feedback please address these to the General Manager, Fair Work Commission.

Yours sincerely,

Fair Work Commission