

**FAIR WORK AUSTRALIA  
UNFAIR DISMISSAL  
CONCILIATION RESEARCH**

**SURVEY RESULTS**

**Prepared For:**

Fair Work Australia

**Client Contact:**

Bernadette O'Neill

Antonia Parkes

Pauline Burke

**TNSSR Consultants:**

Natalie Wearne

Neil Stafford

Angela Southwell

James Battams

28742

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**TNS Social Research**

3 Geelong Street

Fyshwick ACT 2609

t +61 2 6295 2900

f +61 2 6295 2988

e [canberra.au@tns-global.com](mailto:canberra.au@tns-global.com)

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# Executive Summary

## Introduction

Fair Work Australia, the national workplace relations tribunal and the successor to the Australian Industrial Relations Commission, commenced operations on 1 July 2009 as a result of workplace relations changes made by the Fair Work Act 2009 (Cth) (Fair Work Act). The Fair Work Act established, amongst other things, a new framework for applications made to the tribunal for a remedy for alleged unfair dismissal (unfair dismissal applications).

With the commencement of the Fair Work Act, Fair Work Australia introduced a new conciliation process for unfair dismissal applications. Shortly after an unfair dismissal application is made to Fair Work Australia, the applicant and respondent parties to the application and any of their representatives are given the opportunity to participate in an informal, voluntary conciliation of the unfair dismissal application.

The conciliations are conducted by Fair Work Australia employed conciliators. More than 90% of the conciliations are conducted by telephone conference and almost all unfair dismissal applications proceed to conciliation.

The results of the new conciliation process are very positive, with nearly all parties electing to participate in the new conciliation process and more than 80% of the applications conciliated being settled by agreement between the parties.

Fair Work Australia commissioned this independent research to examine the experiences of applicants, respondents and their representatives with the tribunal's administration of unfair dismissal applications, from the making of an application through to the conclusion of the new conciliation process. This report details the results of that independent research.

**The key findings of this report are set out on pages 4 and 5.**

## **Methodology**

The independent research was conducted by TNS Social Research. The research included a purposeful qualitative survey followed by a quantitative telephone survey of the parties and representatives involved in the conciliation of an unfair dismissal application between 1 February and 20 July 2010. The qualitative survey comprised 29 in-depth interviews with such parties and representatives and was used primarily as the means of scoping the key issues and concepts for measurement in the quantitative telephone survey.

Those interviewed for the qualitative survey and the quantitative telephone survey were drawn from the 5,423 applicants, respondents and representatives who had dealt with an unfair dismissal application between 1 February and 20 July 2010 and who had previously consented to take part in the research. They included persons from metropolitan and regional areas across all states and territories of Australia.

The quantitative telephone survey was undertaken by Computer-Assisted Telephone Interviewing (CATI) and carried out by Lighthouse Data Collection on behalf of TNS Social Research. The quantitative telephone survey took place between 10 August and 3 September 2010. A total of 1,100 telephone interviews were completed involving 500 applicants, 500 respondents and 100 representatives, with each interview lasting an average of approximately 16 minutes. Quotas were used to ensure those interviewed formed a representative sample.

## **Key findings of the research**

The key findings of the research can be conveniently summarised under four headings - overall satisfaction with Fair Work Australia's administration of unfair dismissal applications, access to and information on unfair dismissal applications, the new conciliation process and the Fair Work Australia conciliators.

### **1. Overall satisfaction**

The independent research reveals that overall satisfaction with Fair Work Australia's administration of unfair dismissal applications is high with 86% of applicants, 82% of respondents and 87% of representatives reporting they were satisfied or extremely satisfied with the service provided by Fair Work Australia.

### **2. Access and information**

The access to and information on unfair dismissal applications is also regarded favourably. Some 82% of applicants said it was easy to find out what they had to do to make an unfair dismissal application. Almost 40% of the applicants learned about where to go to make an unfair dismissal application through internet searching. Other common avenues were a friend or family member (21%), a union representative (16%) and a lawyer (15%).

The unfair dismissal application form and the employer response form to the application were also seen as easy to complete by 80% of applicants and 81% of respondents.

Some 85% or more of the participants who spoke to Fair Work Australia staff prior to the conciliation of an unfair dismissal application agreed or strongly agreed that the staff are professional and helpful and speak in a way which is clear and easy to understand.

In finding out about and preparing for the conciliation of an unfair dismissal application, the most commonly accessed information sources are written information from Fair Work Australia and the Fair Work Australia website. Applicants (83%) and respondents (76%) were most likely to access written information from Fair Work Australia, while representatives (92%) were most likely to access the Fair Work Australia website.

Most participants said the information they accessed gave them a better understanding of the unfair dismissal conciliation process, helped them prepare for the conciliation and was consistent. Notwithstanding this, around a third of applicants and respondents indicated they would like more information, most commonly about the conciliation process, obligations and rights, sources of representation or external help, settlement options and outcomes, previous cases and the steps after conciliation.

### **3. The new conciliation process**

The new conciliation process has been well received by most participants. Some 78% of applicants, 81% of respondents and 58% of representatives agreed or strongly agreed the conciliation of an unfair dismissal application by telephone conference works well, with between 5% and 7% of participants in each category neither agreeing nor disagreeing that the telephone medium works well.

Further, some 86% of applicants and 88% of respondents considered that having the conciliation over the telephone was convenient and cost effective, while 72% of applicants and 59% of respondents reported that having the conciliation over the telephone was more comfortable than being in the same room with the other party. The vast majority of participants said the conciliation allowed them to put their or their client's point of view across.

Over 80% of participants also agreed or strongly agreed the time taken for the conciliation is about right.

### **4. The Fair Work Australia conciliators**

The overall ratings for the Fair Work Australia conciliators are high, with 86% of applicants, 89% of respondents and 92% of representatives expressing that they were satisfied or extremely satisfied with the conciliators.

Most participants (78% of applicants, 73% of respondents and 83% of representatives) agreed or strongly agreed the conciliator assisted them or their client by outlining the strengths and weaknesses of their case. In the large majority of cases (85% of applicants, 87% of respondents and 93% of representatives) there was agreement or strong agreement the conciliator explained the pros and cons of settling or not settling the unfair dismissal application. Around 75% of applicants and respondents agreed or strongly agreed the conciliator helped them think through their options and terms of settlement. The overwhelming majority of participants subsequently felt the conciliator had helped them come to a decision or assisted settlement discussions without undue influence.

Most participants agreed or strongly agreed the conciliator clearly outlined the purpose of the conciliation and the conciliation process, made them feel more comfortable by explaining the process and, at the conclusion of the conciliation, explained the outcome and what would happen next. Further, some 80% or more of the participants said the conciliators were even-handed, independent and impartial, were knowledgeable, offered appropriate guidance and information, and helped the parties to resolve the unfair dismissal application.

The communication skills of the conciliators, including speaking in a clear and simple manner, listening and understanding, and asking appropriate questions are also seen as strongly positive, with between 84% and 97% of the participants indicating the conciliators demonstrated these skills.

# 1. Introduction

Fair Work Australia (FWA), the national workplace relations tribunal, began operations on July 1st 2009, the result of workplace relations changes established by the Fair Work Act 2009 (Cth) (Fair Work Act). Fair Work Australia is responsible for the resolution of unfair dismissal claims made by employees covered by the national workplace relations system, a function which previously fell under the remit of the Australian Industrial Relations Commission.

Under the Work Choices legislation, businesses employing 100 or fewer employees were exempt from unfair dismissal claims. The Fair Work Act removed this exemption and made other changes, substantially increasing the number of employees eligible to make unfair dismissal applications.

With the commencement of the Fair Work Act, Fair Work Australia introduced a new conciliation process for unfair dismissal applications. Shortly after an unfair dismissal application is made to Fair Work Australia, the applicant and respondent parties to the application and any of their representatives are given the opportunity to participate in an informal, voluntary conciliation of the unfair dismissal application.

The conciliations are conducted by Fair Work Australia employed conciliators. More than 90% of the conciliations are conducted by telephone conference and almost all unfair dismissal applications proceed to conciliation. Of these, more than 80% have been settled by agreement between the parties.

Fair Work Australia commissioned this independent research to examine the experiences of applicants, respondents and their representatives with the tribunal's administration of unfair dismissal applications, from the making of an application through to the conclusion of the new conciliation process. This report details the results of that independent research.

## **1.1 Methodology**

The independent research was conducted by TNS Social Research. The research included a purposeful qualitative component followed by a quantitative telephone survey of the parties and representatives involved in the conciliation of an unfair dismissal application between 1 February and 20 July 2010.

### **1.1.1 Qualitative interviews**

The qualitative research comprised 29 in-depth interviews with such parties (10 applicants and 10 respondents) and representatives (9), with a mixture of represented and unrepresented parties as well as a mixture of workplace sizes and locations across Australia. The participants were drawn from the sample of participants who consented to participate in the research. The qualitative interviews were conducted between 15 June and 10 August 2010 and each interview lasted about three-quarters of an hour.

The in-depth qualitative interviews encompassed the following key areas:

- Overall impressions of Fair Work Australia's administration of unfair dismissal applications;
- Access to Fair Work Australia in making or responding to an unfair dismissal application and the useability of the application and response forms;
- Awareness and use of Fair Work Australia information and support;
- Preparing for the conciliation; and
- The new conciliation process and the conciliator.

The qualitative interviews were used primarily as the means of scoping the key issues and concepts for measurement in the quantitative telephone survey, further methodological details of which are outlined below.

### **1.1.2 Quantitative survey**

The quantitative survey was conducted by telephone with a sample drawn from the 5,423 applicants, respondents and representatives who had dealt with an unfair dismissal application between 1 February and 20 July 2010 and who had previously consented to take part in the research. They included persons from metropolitan and regional areas across all states and territories of Australia.

#### ***Survey questionnaire***

The questionnaire was developed through consultation and reference to the qualitative research findings. Initially, the survey questionnaire was run through a live telephone 'pilot' test with a small sample of participants in order to check the questionnaire logic, timing and comprehension. Following



the pilot test, minor operational adjustments were made to the questionnaire before the full study was undertaken.

Two versions of the questionnaire were produced – one for applicants and respondents, and one for representatives. A large number of questions were similar across versions, with only minor wording changes to account for the often multiple and ongoing nature of conciliation interactions for representatives. Sections of the questionnaire explored:

- Background and experience regarding unfair dismissal applications;
- Initial access to Fair Work Australia and completing or responding to an unfair dismissal application;
- Information utilised by participants concerning the unfair dismissal application and the conciliation;
- The conciliation and the role of the conciliator;
- Overall service quality;
- Factors influencing the outcome reached at conciliation and satisfaction with the outcome reached;
- Expectations of the conciliation process; and
- Final thoughts and demographic details.

As per standard procedure for surveys conducted on behalf of the Australian Government which involve consulting with 50 or more business participants, approval was requested and granted by the Australian Bureau of Statistics Statistical Clearing House (ABS SCH).

### ***Fieldwork procedure***

A sample of applicants, respondents and representatives who had previously consented to take part in research was provided to be contacted for this project. All contacts were sent a pre-approach letter or e-mail, authorised by FWA, which detailed the forthcoming survey and provided an alternative feedback option should they not be able to participate in the telephone survey.

The fieldwork was undertaken by Computer Assisted Telephone Interviewing (CATI) and carried out by Lighthouse Data Collection on behalf of TNS Social Research. Interviewers working on the survey were provided with a briefing and background materials relating to the project. Fieldwork took place between 10<sup>th</sup> August and 3<sup>rd</sup> September 2010. A total of **1,100 interviews** were completed, broken down by applicants (500), respondents (500) and representatives (100), with interviews lasting an average of approximately 16 minutes.

### ***Targets and completions***

In order to ensure the completed survey sample was representative of the population (i.e. those involved in conciliation), a series of targets (quotas) were set on the approximate number of interviews required for certain classification variables. For example, if the total sample universe indicated that

30% of conciliations were undertaken in Sydney, a target was set to achieve 30% of the completed interviews with people who had undertaken conciliation in Sydney. Targets were set on the following variables:

- Matter registry (capital city location)
- Whether represented in conciliation (applicants / respondents only)
- Metro / non-metro location
- Business size
- Representation type (employer / employee – representatives only).

Examination of the final completed survey sample in relation to these targets showed that the achieved sample proportions were identical or in close proximity to those found naturally within the total population of those taking part in unfair dismissal conciliation. As such, it was established that the survey sample was representative of the population involved in conciliation, and thus no corrective data weighting was required.

## 1.2 About this report

This report provides aggregate data recorded for each question of the survey questionnaire, broken down by applicants, respondents and representatives. The data is presented graphically in question order, followed by a brief narrative description of the findings shown.

In interpreting data presented on each chart, the following notes should be considered:

- **Percentages often do not add to 100%:** Readers should note that some percentages do not add up to 100% due to rounding (the percentages are represented to the nearest integer) or answers such as “don’t know” or “not applicable”, which are not graphed as they are typically fairly small.
- **Base size:** This describes the parties who were eligible to answer the question and indicates the actual number (n) who responded to the question.
- **Grouping of results:** The majority of questions were answered on an eleven-point scale. While the scale end-points varied, ‘0’ always represented the most negative response and ‘10’ always represented the most positive response – for example ‘0 means strongly disagree and 10 means strongly agree’. However, to simplify the presentation of results responses were grouped into smaller categories as outlined below:
  - Responses of 0, 1, 2 grouped as ‘strongly disagree’
  - Responses of 3,4 grouped as ‘disagree’
  - A response of 5 shown as ‘neither’
  - Responses of 6,7 grouped as ‘agree’
  - 8, 9, 10 grouped as ‘strongly agree’.

# 2. Survey results

## 2.1 Introduction and screening questions

Figure 1: Experience with Conciliation

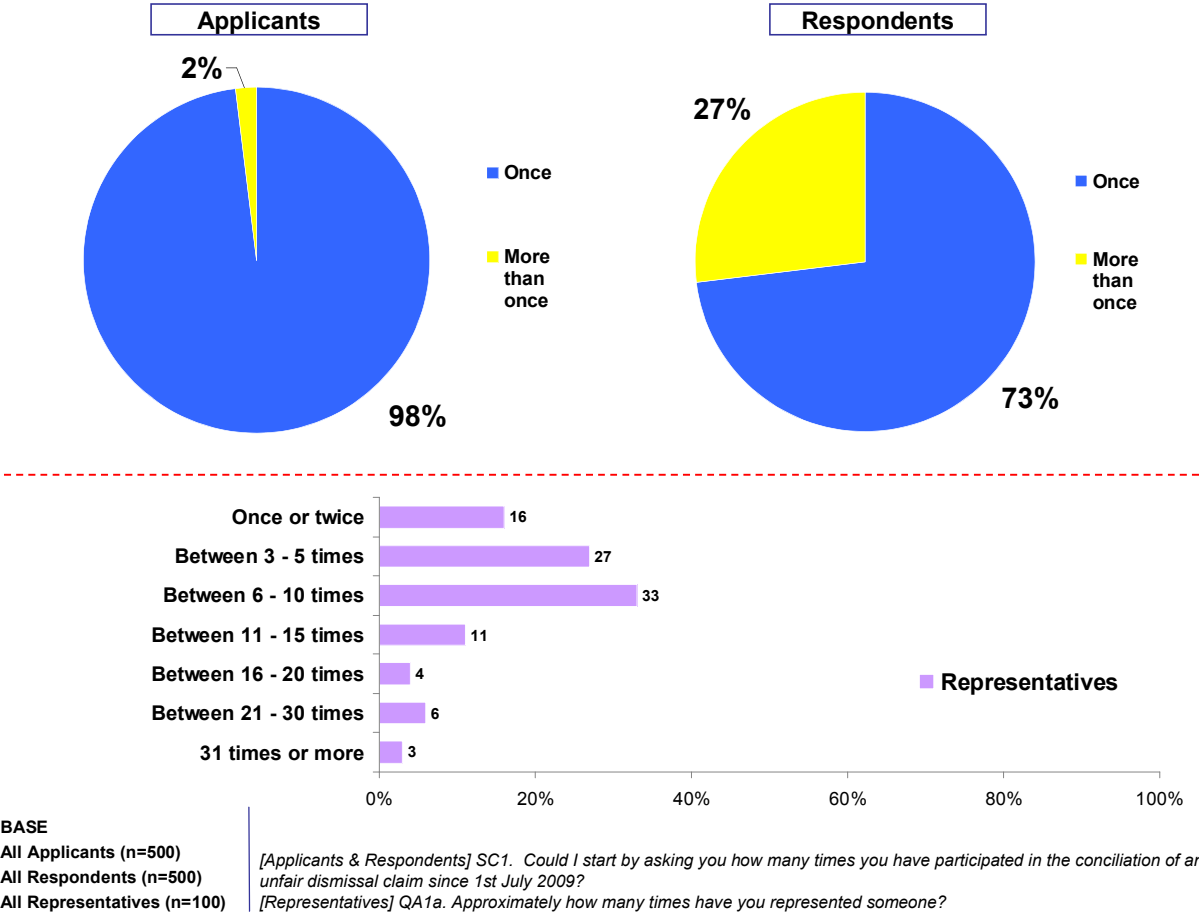
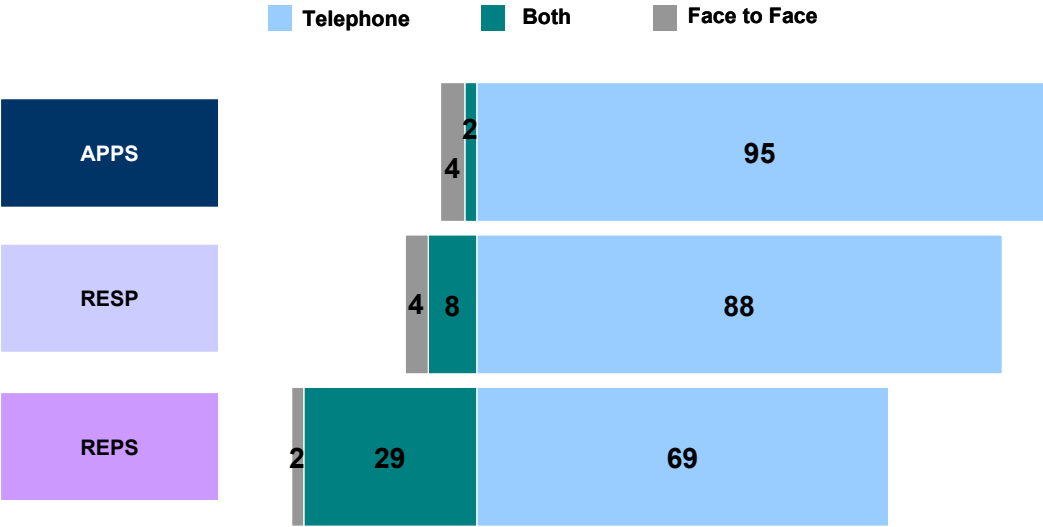


Figure 1 shows that 98% of applicants and 73% of respondents have participated in the conciliation process once since the 1<sup>st</sup> July, 2009. Two percent of applicants and 27% of respondents have participated in the conciliation process more than once.

For representatives, participation was higher: 16% of representatives have represented someone in the conciliation process once or twice, 27% between 3 and 5 times, 33% between 6 and 10 times, 11% between 11 and 15 times, 4% between 16 and 20 times, 6% between 21 and 30 times, and 3% have represented someone in the conciliation process 31 times or more.

**Figure 2: Method of conciliation**

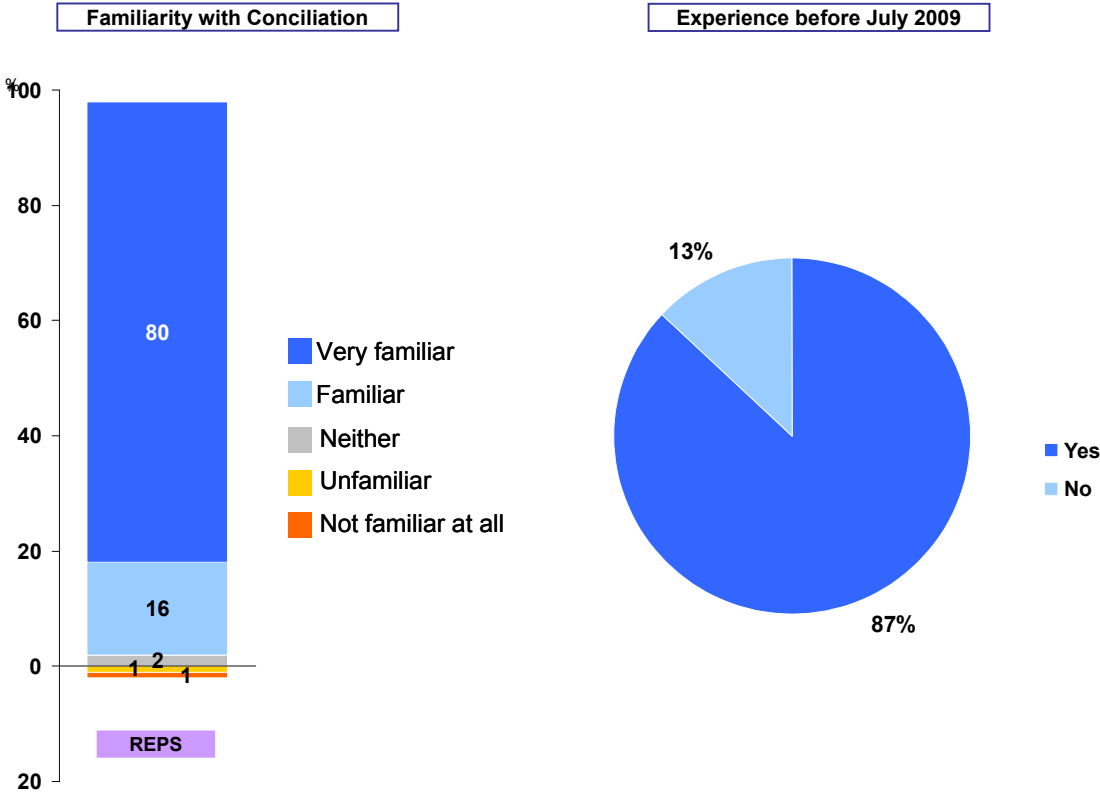


**BASE**  
**All Applicants (n=500)**  
**All Respondents (n=500)**  
**All Representatives (n=100)**

*[Applicants & Respondents] SC2. And <was / were> the conciliation(s) undertaken by telephone?  
 [Representatives] QA2. And were these all undertaken by telephone?*

Figure 2 demonstrates that, according to the survey results, 95% of applicants, 88% of respondents and 69% of representatives had participated in conciliations only via telephone since July 1<sup>st</sup> 2009. Two percent of applicants, 8% of respondents and 29% of representatives had participated in multiple conciliations by telephone and face to face methods. Four percent of applicants, 4% of respondents and 2% of representatives had participated in conciliations through face to face channels only.

**Figure 3: Representatives' familiarity and experiences with conciliation**



**BASE** [Representatives] QA3. Have you been involved in an unfair dismissal conciliation prior to 1st July 2009?  
**All Representatives (n=100)** [Representatives] QA5. In general, how familiar would you say you are with the FWA unfair dismissal conciliation process? Answer this question on a scale of 0 to 10, where 0 represents not at all familiar and 10 very familiar.

Figure 3 indicates that 96% of representatives reported being familiar or very familiar with the Fair Work Australia unfair dismissal conciliation process, 2% neither familiar nor unfamiliar, and 2% of representatives considered they were unfamiliar or not familiar at all with the conciliation process.

Additionally, 87% of representatives reported being involved in an unfair dismissal conciliation prior to July 2009, and the remaining 13% said that they had not been involved in conciliation prior to July 2009.

## 2.2 Initial access and application

Figure 4: How applicants learned about where to go to make an unfair dismissal claim

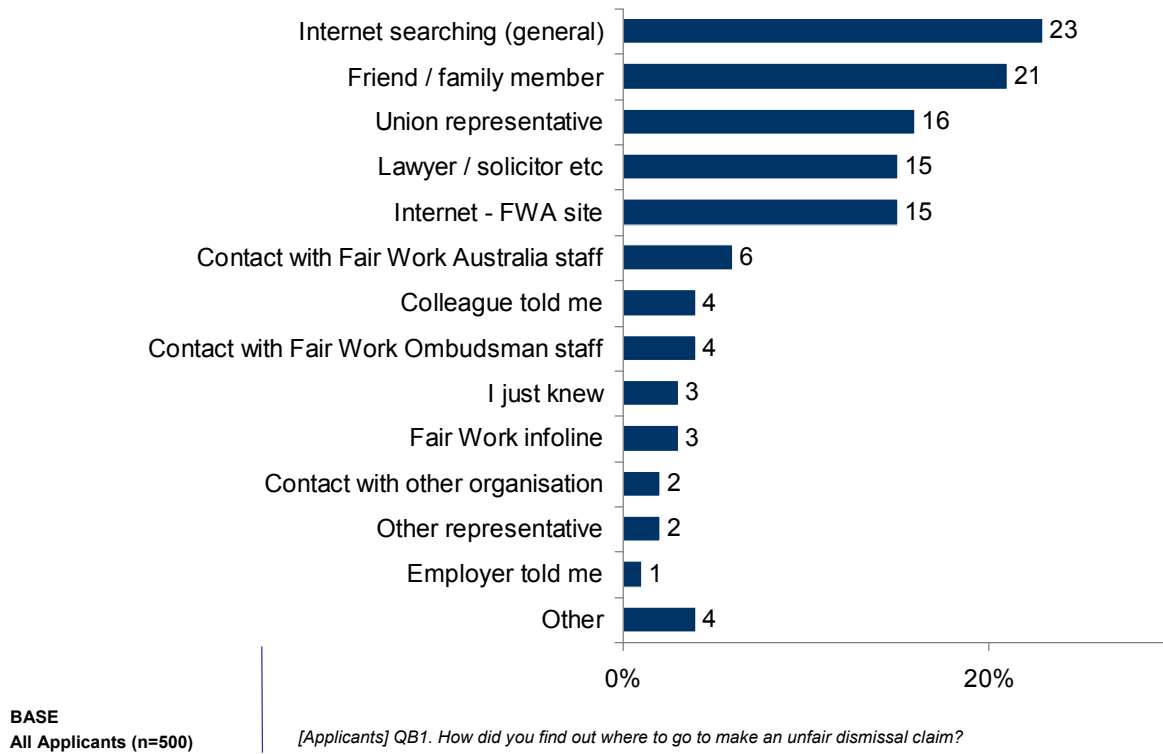
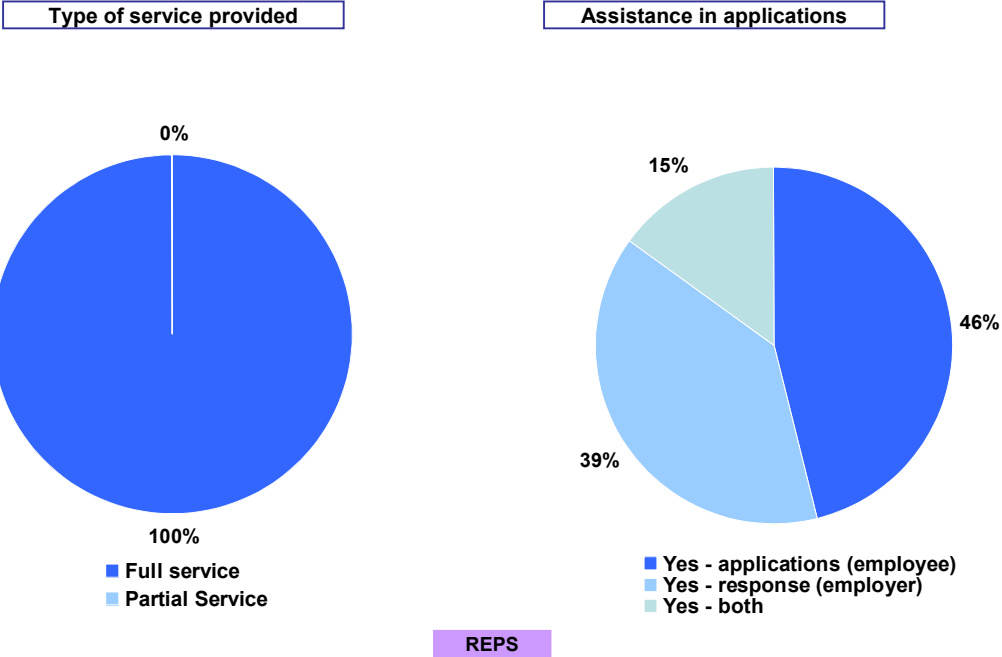


Figure 4 highlights that the most common way that applicants learned about the unfair dismissal conciliation process was through internet searching, with 23% of applicants using this method. When combined with those applicants who learned about where to go through the FWA website (15%), the internet was used by over one-third (38%) to find out where to go to make an unfair dismissal claim. Other common avenues were a friend or family member (21%), a union representative (16%), and a lawyer or solicitor (15%).

**Figure 5: Involvement of representatives in application**



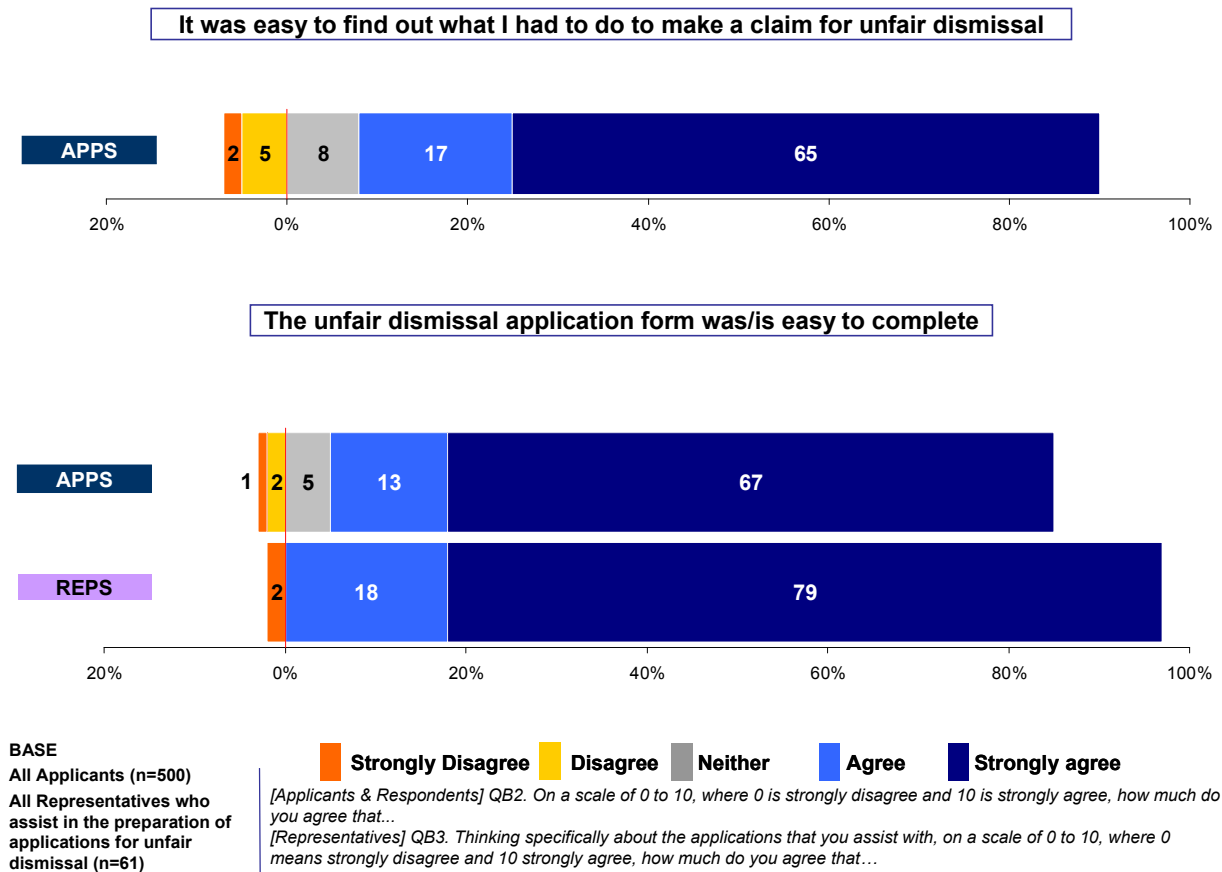
**BASE**  
**All Representatives (n=100)**

*[Representatives] QB1. What type of support and / or advice do you tend to provide to applicants or respondents to unfair dismissal applications?*  
*[Representatives] QB2. Do you assist in the preparation of applications for unfair dismissal and / or response forms to a claim?*

Figure 5 shows that all representatives surveyed considered that they offer a full service to clients for the unfair dismissal process. Survey results indicated that 46% of representatives assisted with application forms, while 39% assisted with response forms. The remaining 15% of representatives said that they assisted with both types of form.



**Figure 6: Ease of application**



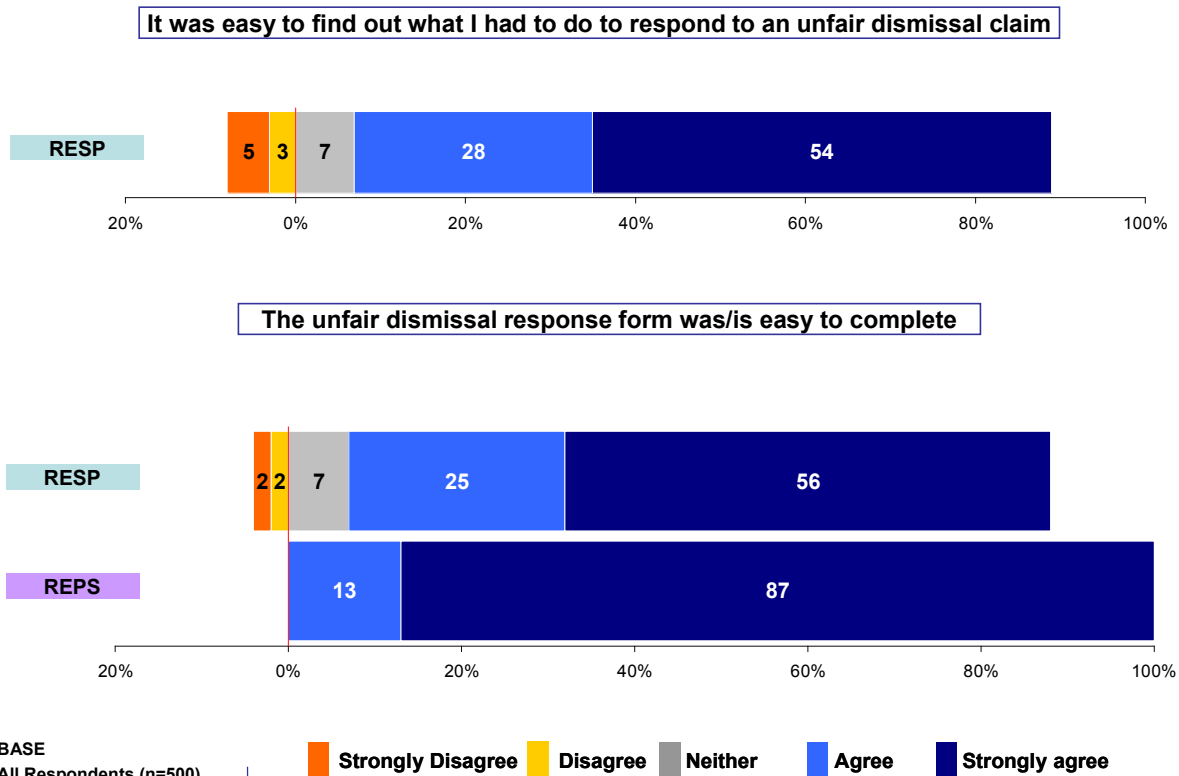
*It was easy to find out what I to do to make a claim for unfair dismissal*

Figure 6 shows that 82% of applicants agreed or strongly agreed that it was easy to find out what to do to make a claim for unfair dismissal. Eight percent of applicants neither agreed nor disagreed with the statement. A further 7% of applicants disagreed or strongly disagreed that it was easy to find out what to do to make a claim for unfair dismissal.

*The unfair dismissal application form was/is easy to complete*

Figure 6 indicates 80% of applicants and 97% of representatives who completed application forms on behalf of their clients agreed or strongly agreed with the statement that the unfair dismissal application form was/is easy to complete. Five percent of applicants and no representatives were neutral towards this statement, and 3% of applicants and 2% of representatives disagreed or strongly disagreed that the unfair dismissal application form was/is easy to complete.

Figure 7: Ease of response



BASE  
 All Respondents (n=500)  
 All Representatives who assist in the preparation of responses for unfair dismissal (n=54)

**Strongly Disagree** **Disagree** **Neither** **Agree** **Strongly agree**  
 [Applicants & Respondents] QB3. On a scale of 0 to 10, where 0 is strongly disagree and 10 is strongly agree, how much do you agree that...  
 [Representatives] QB4. Thinking specifically about the response forms you completed, on a scale of 0 to 10, where 0 means strongly disagree and 10 strongly agree, how much do you agree that ...

*It was easy to find out what I had to do to respond to an unfair dismissal claim*

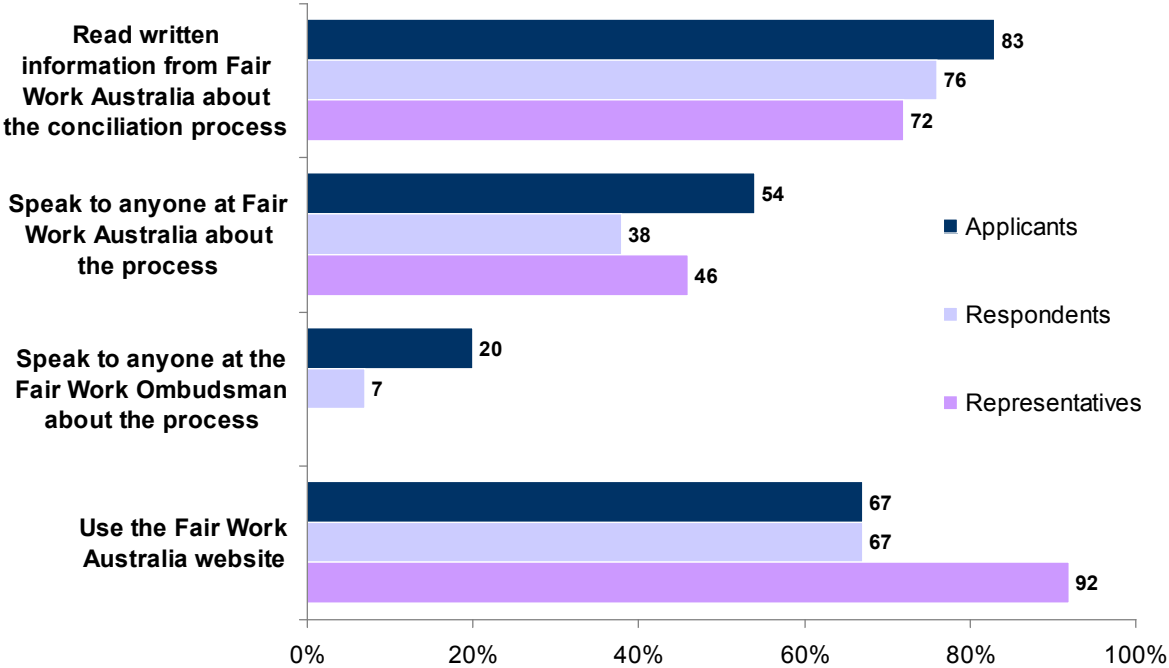
Figure 7 shows that 82% of respondents agreed or strongly agreed that it was easy to find out what to do to respond to an unfair dismissal claim. Seven percent of respondents did not agree nor disagree with the statement. Eight percent of respondents disagreed or strongly disagreed that it was easy to find out what to do to respond to an unfair dismissal claim.

*The unfair dismissal response form was/is easy to complete*

Figure 7 shows that 81% of respondents and 100% of representatives who completed response forms on behalf of their clients agreed or strongly agreed that the unfair dismissal response form was/is easy to complete. Seven percent of respondents did not agree nor disagree with the statement. Four percent of respondents' disagreed or strongly disagreed that the unfair dismissal response form was easy to complete.

## 2.3 Information and preparation

Figure 8: Types of information accessed



BASE  
 All Applicants (n=500)  
 All Respondents (n=500)  
 All Representatives (n=100)

QC1. In finding out and preparing for the conciliation, did you do any of the following...

### Read written information from Fair Work Australia about the conciliation process

Figure 8 indicates that 83% of applicants, 76% of respondents and 72% of representatives read written information from Fair Work Australia about the conciliation process in finding out and preparing for the conciliation.

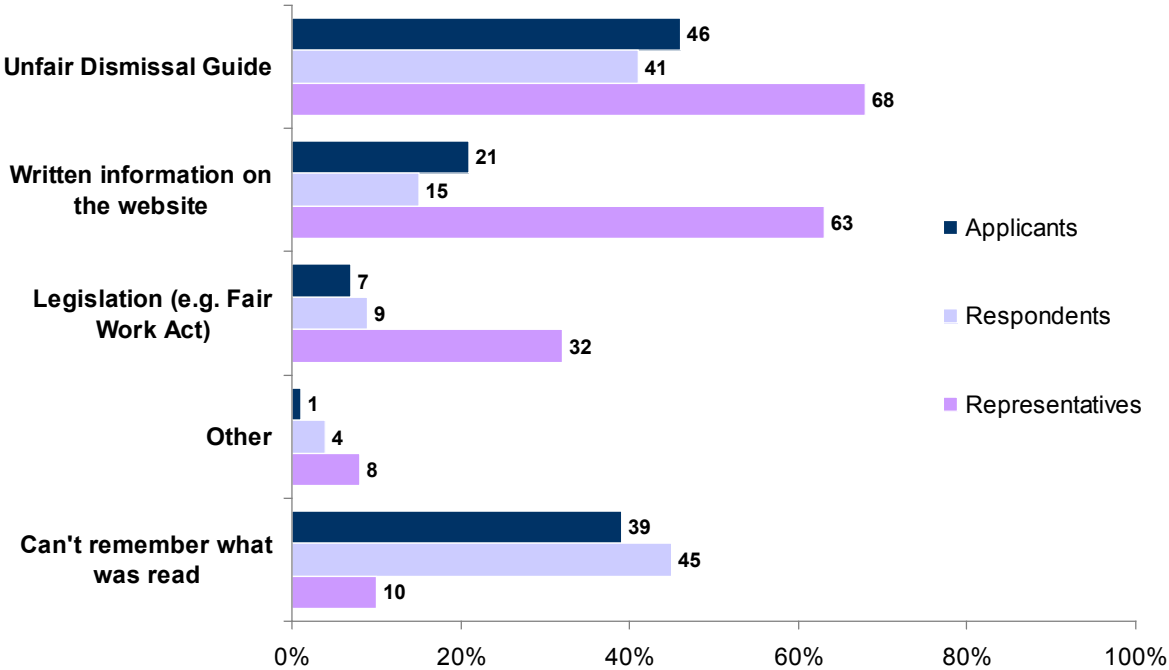
### Speak to anyone at Fair Work Australia and / or Fair Work Ombudsman about the process

Additionally, as illustrated in Figure 8, 54% of applicants, 38% of respondents and 46% of representatives reported that they had spoken to someone at Fair Work Australia about the process in finding out and preparing for the conciliation. Twenty per cent of applicants and 7% of respondents spoke to someone at the Fair Work Ombudsman about the process in finding out and preparing for the conciliation.

### Use the Fair Work Australia website

Figure 8 also indicates that 67% of applicants, 67% of respondents and 92% of representatives used the Fair Work Australia website in finding out and preparing for conciliation.

**Figure 9: Types of written information accessed**



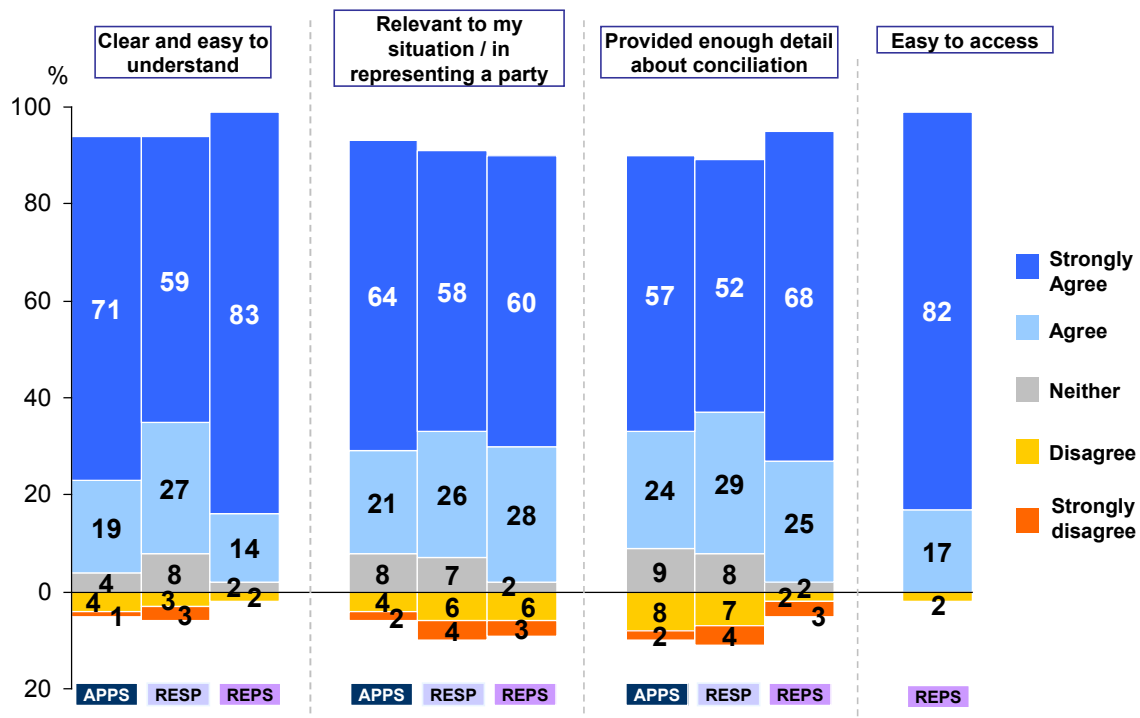
**BASE:** Those who read written information.  
**Applicants** (n=413)  
**Respondents** (n=382)  
**Representatives** (n=72)

QC2. What written information from Fair Work Australia read?

Figure 9 shows that out of those survey participants who had read information from Fair Work Australia about the conciliation process, 46% of applicants, 41% of respondents and 68% of representatives read the Unfair Dismissal Guide. Twenty-one percent of applicants, 15% of respondents and 63% of representatives read written information on the website. Seven percent of applicants, 9% of respondents and 32% of representatives had read legislation, such as the Fair Work Act. A further 1% of applicants, 4% of respondents and 8% of representatives read something else (other).

Thirty-nine percent of applicants, 45% of respondents and 10% of representatives reported not being able to remember what they had read.

**Figure 10: Usefulness of written information**



All participants who could remember what written info they accessed.  
 Applicants (n=253)  
 Respondents (n=211)  
 Representatives (n=65)

QC3. Overall, on a scale of 0 to 10, how much do you agree that this information was...

*Clear and easy to understand*

Figure 10 indicates that 90% of applicants, 86% of respondents and 97% of representatives who had accessed written information from Fair Work Australia agreed or strongly agreed that the information was clear and easy to understand. Four percent of applicants, 8% of respondents and 2% of representatives neither agreed nor disagreed with the statement. Five percent of applicants, 6% of respondents and 2% of representatives disagreed or strongly disagreed that the information was clear and easy to understand.

*Relevant to my situation / in representing a party*

As illustrated in Figure 10, 85% of applicants, 84% of respondents and 88% of representatives agreed or strongly agreed that the written information was relevant to their situation/ in representing a party. Eight percent of applicants, 7% of respondents and 2% of representatives neither agreed nor disagreed with this statement. Six percent of applicants, 10% of respondents and 9% of representatives disagreed or strongly disagreed that the information was relevant to their situation/ in representing a party.

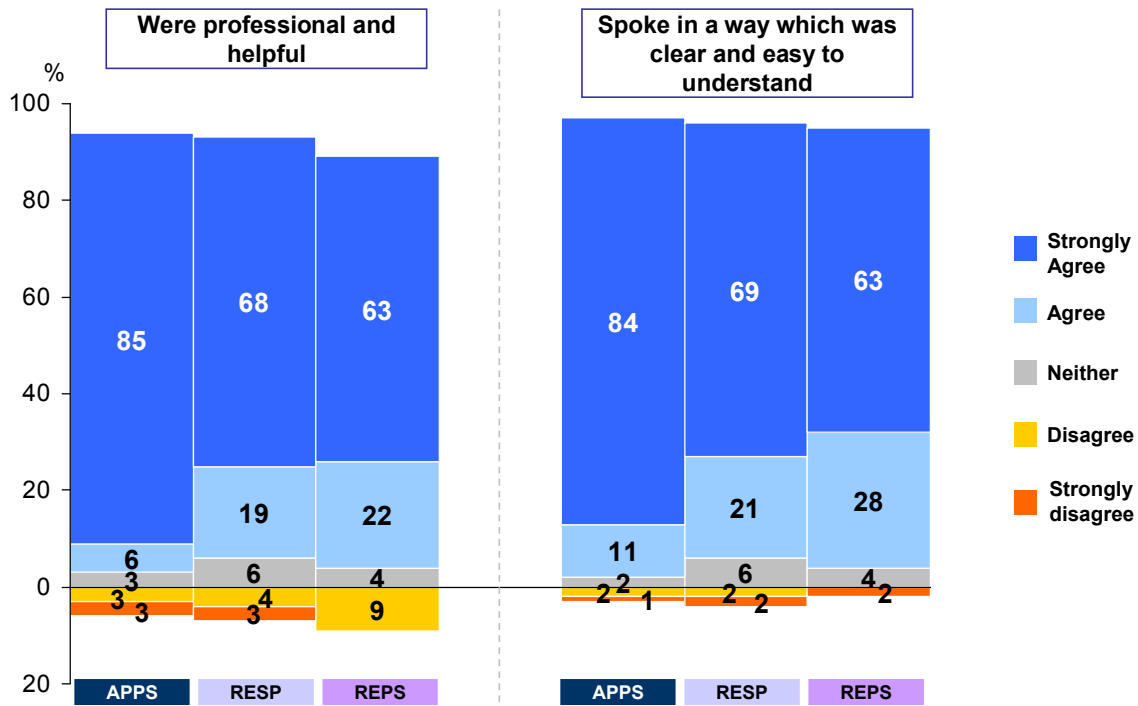
*Provided enough detail about conciliation*

In relation to level of detail of written information, Figure 10 shows that 81% of applicants, 81% of respondents and 93% of representatives agreed or strongly agreed that the information provided enough detail about conciliation. Nine percent of applicants, 8% of respondents and 2% of representatives neither agreed nor disagreed with this. Ten percent of applicants, 11% of respondents and 5% of representatives disagreed or strongly disagreed that the information provided enough detail about conciliation.

*Easy to access*

Figure 10 indicates that 99% of representatives agreed or strongly agreed that the information was easy to access. Two percent of representatives disagreed that the information was easy to access.

**Figure 11: FWA Staff (prior to conciliation)**



**BASE:** All participants who spoke to someone at FWA.  
**Applicants (n=271)**  
**Respondents (n=192)**  
**Representatives (n=46)**

[Applicants and respondents] QC4. On a scale of 0 to 10, how much do you agree that the Fair Work Australia staff you spoke to before the conciliation ...  
 [Representatives] QC4. On a scale of 0 to 10, how much do you agree that the Fair Work Australia staff you have spoken to about the process...

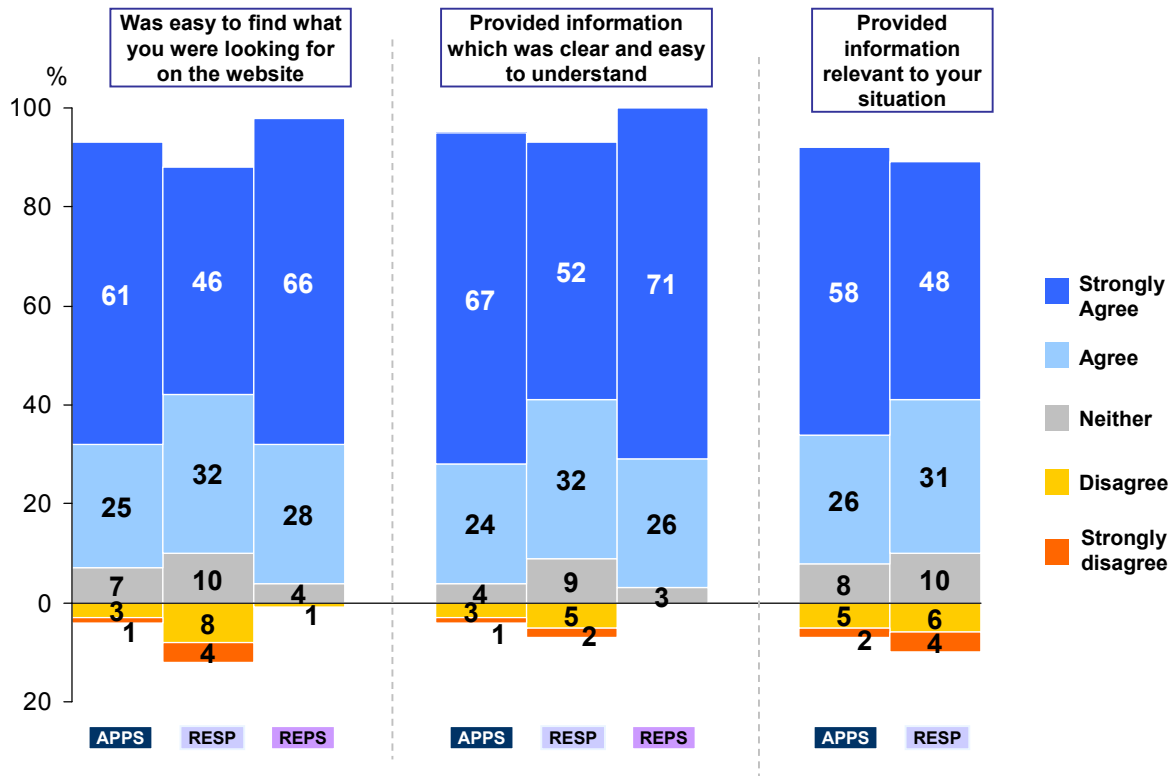
*Were professional and helpful*

Figure 11 shows that 91% of applicants, 87% of respondents and 85% of representatives agreed or strongly agreed that the Fair Work Australia staff they had spoken to before the conciliation/ about the process were professional and helpful. Three percent of applicants, 6% of respondents and 4% of representatives neither agreed nor disagreed with the statement. Six percent of applicants, 7% of respondents and 9% of representatives disagreed or strongly disagreed that the Fair Work Australia staff they had spoken to before the conciliation/ about the process were professional and helpful.

*Spoke in a way which was clear and easy to understand*

Figure 11 also indicates that 95% of applicants, 90% of respondents and 91% of representatives agreed or strongly agreed that the Fair Work Australia staff they had spoken to before the conciliation/ about the process spoke in a way which was clear and easy to understand. Two percent of applicants, 6% of respondents and 4% of representatives neither agreed nor disagreed with this. Three percent of applicants, 4% of respondents and 2% of representatives disagreed or strongly disagreed that the Fair Work Australia Staff they had spoken to before the conciliation/ about the process spoke in a way which was clear and easy to understand.

**Figure 12: FWA Website**



BASE: All participants who accessed the FWA website.  
 Applicants (n=335)  
 Respondents (n=333)  
 Representatives (n=92)

QC5. And with the Fair Work Australia website, on a scale of 0 to 10, how much do you agree that it...

*Was easy to find what you were looking for on the website*

Examining those survey participants who had accessed the Fair Work Australia website for information, Figure 12 shows that 86% of applicants, 78% of respondents and 94% of representatives agreed or strongly agreed that it was easy to find what they were looking for on the Fair Work Australia website. Seven percent of applicants, 10% of respondents and 4% of representatives neither agreed nor disagreed. Four percent of applicants, 12% of respondents and 1% of representatives disagreed or strongly disagreed that it was easy to find what they were looking for on the website.

*Provided information which was clear and easy to understand*

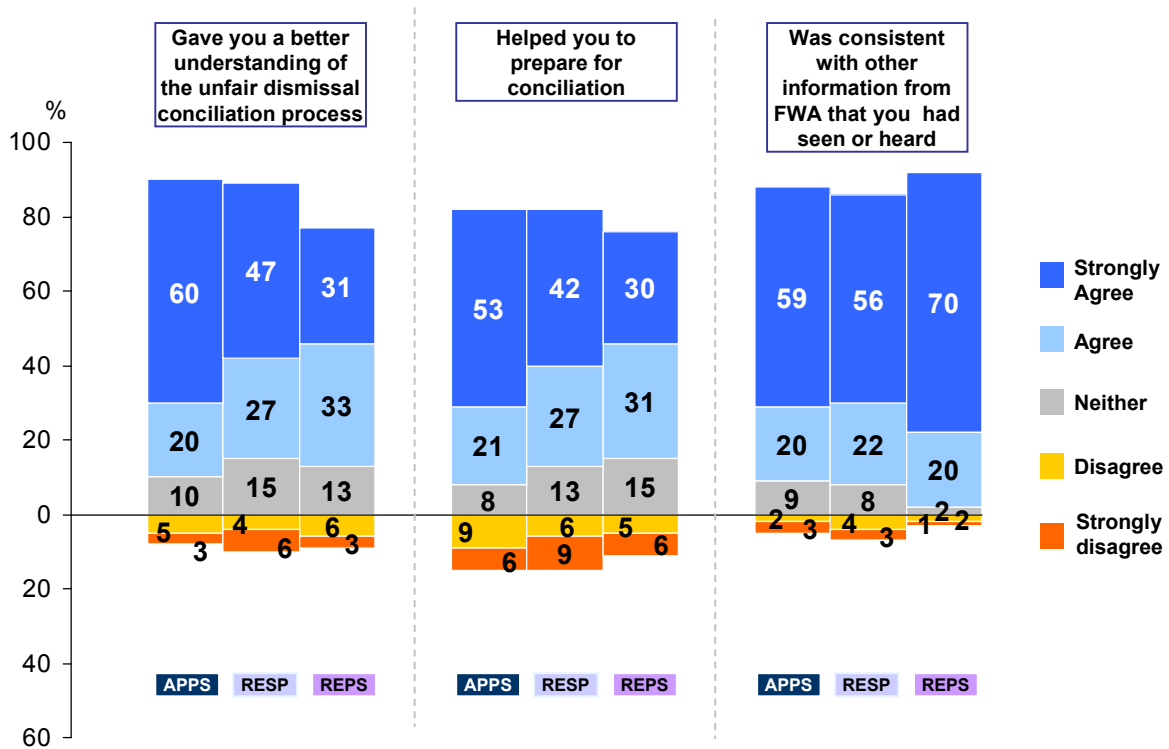
Figure 12 indicates that 91% of applicants, 84% of respondents and 97% of representatives agreed or strongly agreed that the Fair Work Australia website provided information which was clear and easy to understand. Four percent of applicants, 9% of respondents and 3% of representatives neither agreed nor disagreed with the statement. Four percent of applicants, 7% of respondents and no representatives disagreed or strongly disagreed that the Fair Work Australia website provided information which was clear and easy to understand.



*Provided information relevant to your situation*

In addition, Figure 12 indicates that 84% of applicants and 79% of respondents agreed or strongly agreed that the Fair Work Australia website provided information which was relevant to their situation. Eight percent of applicants and 10% of respondents neither agreed nor disagreed with this. Seven percent of applicants and 10% of respondents disagreed or strongly disagreed that the Fair Work Australia website provided information which was relevant to their situation.

**Figure 13: Effectiveness of information received from FWA**



**BASE:** All participants who accessed any FWA information.  
**Applicants (n=462)**  
**Respondents (n=441)**  
**Representatives (n=97)**

[Applicants and respondents] QC6. Thinking of all the information you received from FWA before the conciliation, on a scale of 0 to 10, how much do you agree that it:  
 [Representatives] QC6. Thinking of all the information you have received from FWA about conciliation, on a scale of 0 to 10, how much do you agree that this...

**Gave you a better understanding of the unfair dismissal conciliation process**

Figure 13 illustrates that 80% of applicants, 74% of respondents and 64% of representatives agreed or strongly agreed that all the information they received from Fair Work Australia about conciliation gave them a better understanding of the unfair dismissal process. Ten percent of applicants, 15% of respondents and 13% of representatives neither agreed nor disagreed with the statement. Eight percent of applicants, 10% of respondents and 9% of representatives disagreed or strongly disagreed that all the information they received from FWA about conciliation gave them a better understanding of the unfair dismissal conciliation process.

**Helped you prepare for conciliation**

As shown in Figure 13, the survey results indicated that 74% of applicants, 69% of respondents and 61% of representatives agreed or strongly agreed that all the information they received from Fair Work Australia about conciliation helped them prepare for conciliation. Eight percent of applicants, 13% of respondents and 15% of representatives neither agreed nor disagreed with the statement. Fifteen percent of applicants, 15% of respondents and 11% of representatives disagreed or strongly disagreed that all the information they received from FWA about conciliation helped them prepare for it.

*Was consistent with other information from FWA that you had seen or heard*

Figure 13 shows that 79% of applicants, 78% of respondents and 90% of representatives agreed or strongly agreed that all the information they received from Fair Work Australia about conciliation was consistent with other information from FWA that they had seen or heard. Nine percent of applicants, 8% of respondents and 2% of representatives neither agreed nor disagreed with this statement. Five percent of applicants, 7% of respondents and 3% of representatives disagreed or strongly disagreed that all the information they received from FWA about conciliation was consistent with other information from them that they had seen or heard.

**Figure 14: Participants who would like more information**

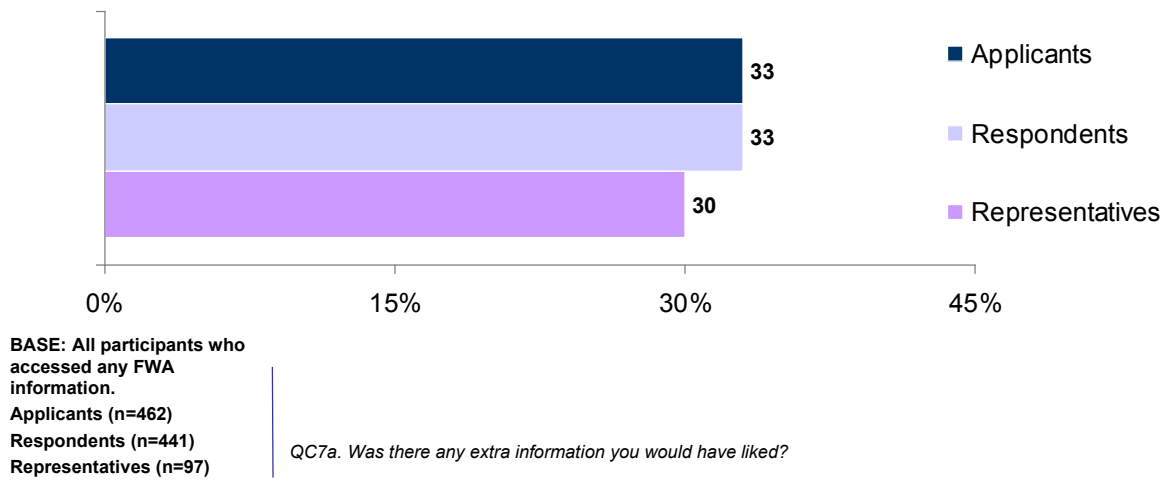
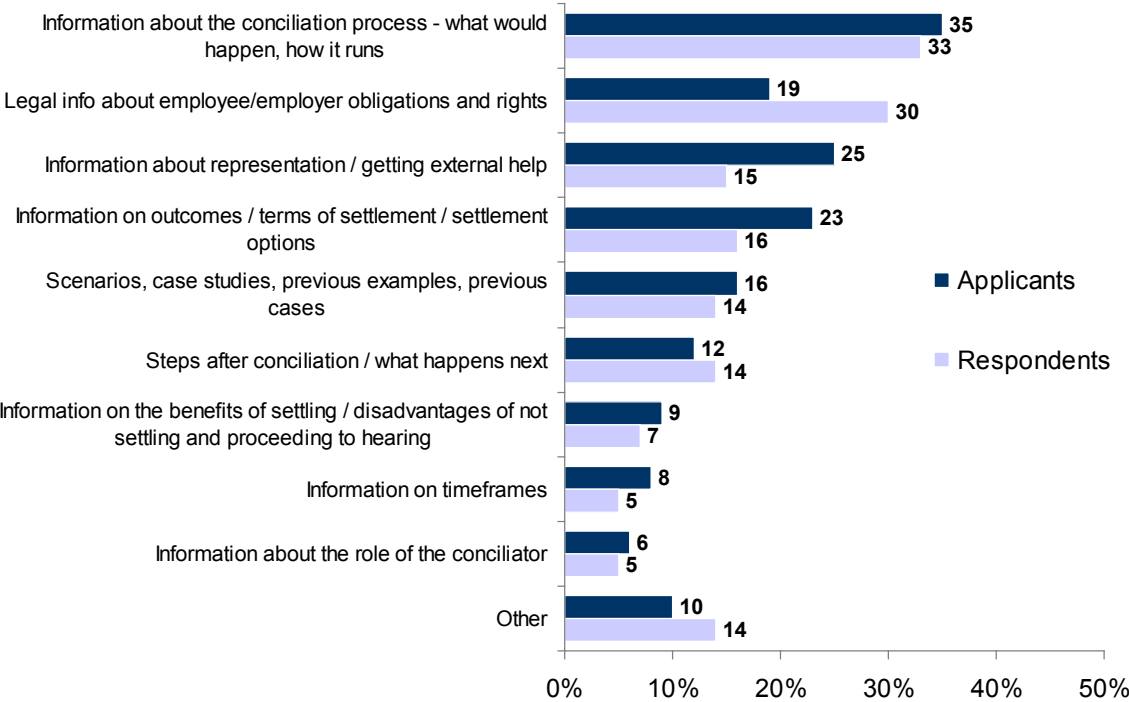


Figure 14 demonstrates that out of those participants who accessed information from any Fair Work Australia source, 33% of applicants, 33% of respondents and 30% of representatives would have liked extra information.

**Figure 15: Types of extra information requested by applicants and respondents**



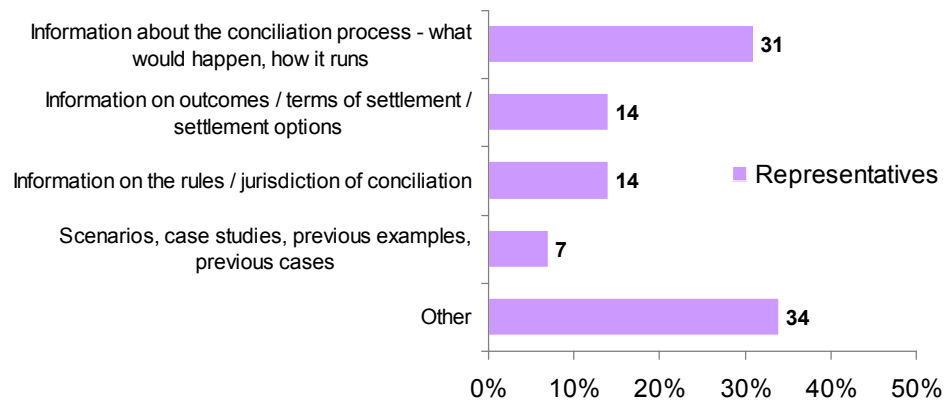
**BASE:** Those who indicated that they would like more information.  
**Applicants (n=154)**  
**Respondents (n=146)**

[Applicants and respondents] QC7b. What extra information would you have liked to have had?

Figure 15 displays the types of extra information those applicants and respondents would have liked. The main types of information desired included:

- ‘Information about the conciliation process, what would happen and how it runs’ (35% of applicants and 33% of respondents wanting more information mentioning this)
- ‘Legal information about employee/ employer obligations and rights’ (19% of applicants; 30% of respondents)
- ‘Information about representation and getting external help’ (25% of applicants; 15% of respondents)
- ‘Information on outcomes, terms of settlement and settlement options’ (23% of applicants; 16% of respondents)
- ‘Scenarios, case studies, previous examples and cases’ (16% of applicants; 14% of respondents)
- ‘Information on the steps after conciliation and what happens next’ (12% of applicants; 14% of respondents).

**Figure 16: Types of extra information requested by representatives**



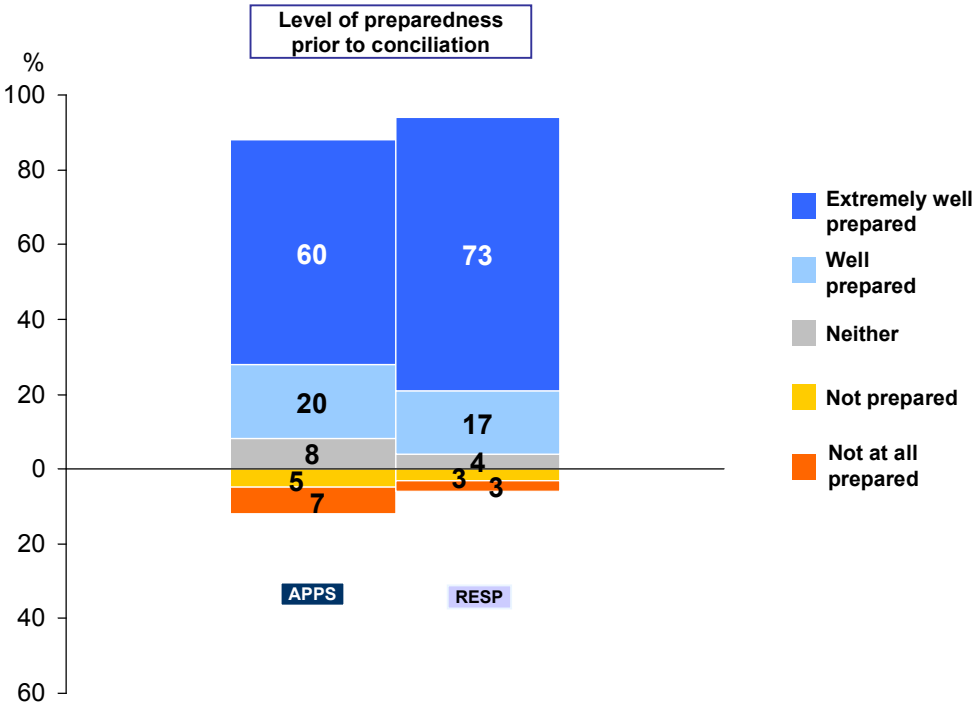
**BASE: Representatives that would like more information. Representatives (n=29)**  
**\*BASE SIZE BELOW 30\***

[Representatives] QC7b. What extra information would you liked to have had?

Looking at the types of extra information those representatives would have liked, Figure 16 illustrates the following is desired:

- 'Information about the conciliation process, what would happen and how it runs' (31% of representatives wanting more information mentioning this)
- 'Information on outcomes, terms of settlement and settlement options' (14%)
- 'Information on the rules and jurisdiction of conciliation' (14%)
- 'Scenarios, case studies, previous examples and cases' (7%)
- Other types of information (34%).

**Figure 17: Preparedness of parties (1)**

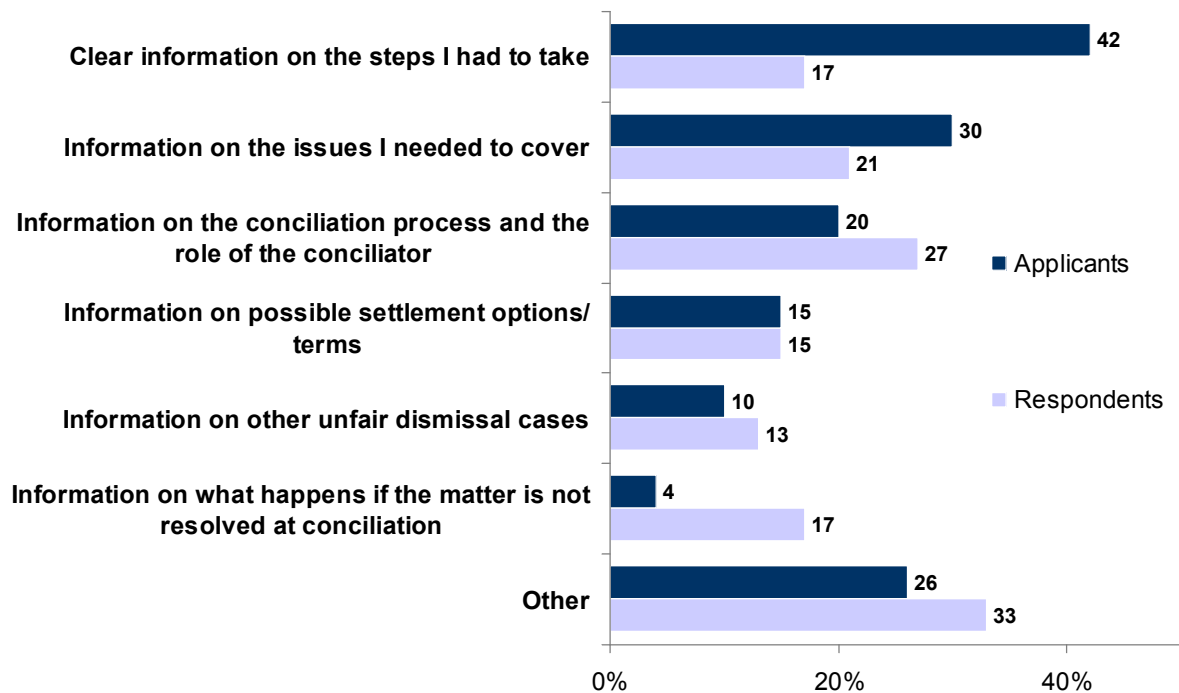


**BASE**  
 All Applicants (n=500)  
 All Respondents (n=500)

[Applicants and respondents] QC8a. How well prepared did you feel prior to taking part in the conciliation itself?

Figure 17 shows that 80% of applicants and 90% of respondents felt well or extremely well prepared prior to taking part in the conciliation itself. Eight percent of applicants and 4% of respondents felt neither prepared nor unprepared, while 12% of applicants and 6% of respondents felt not or not at all prepared.

**Figure 18: Preparedness of parties (2)**



**BASE**  
 All Applicants not feeling prepared (n=96)  
 All Respondents not feeling prepared (n=48)

[Applicants and respondents] QC8b. What would have helped you feel more prepared?

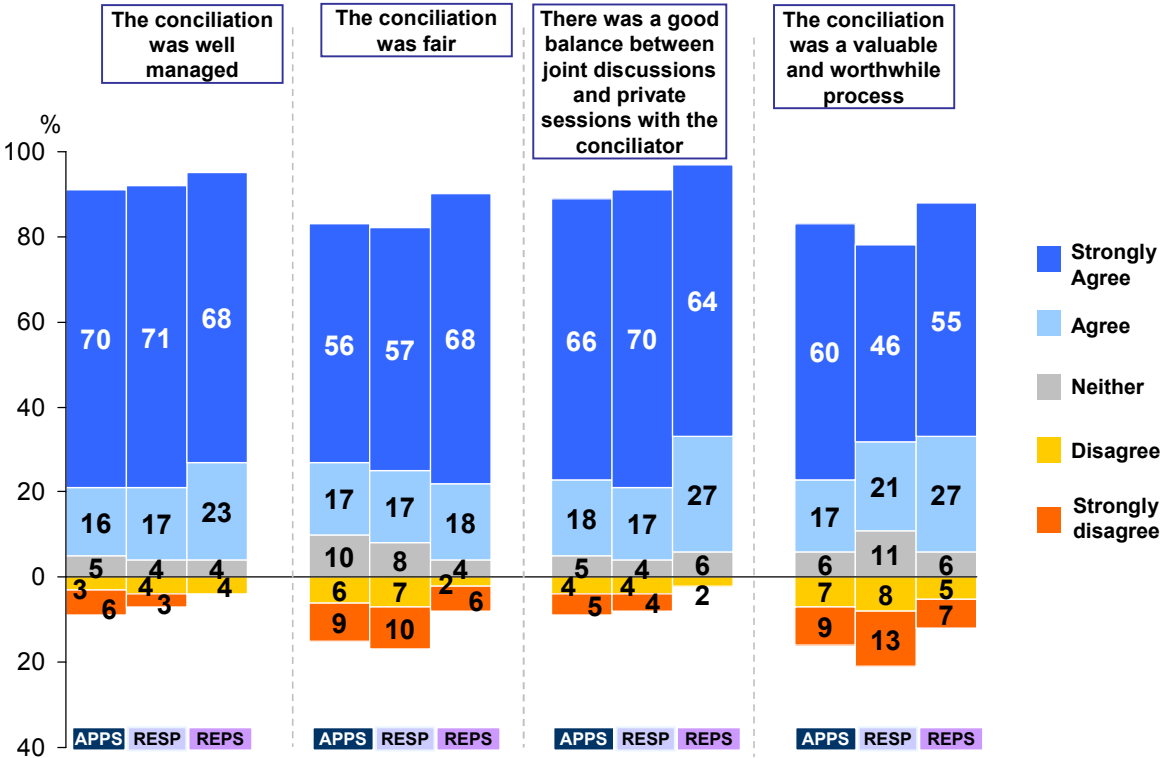
Figure 18 displays the types of information that applicants and respondents who would have liked extra information to help them prepare for the conciliation process specified. This included the following things:

- ‘Clear information on the steps I had to take for conciliation’ (mentioned by 42% of applicants and 17% of respondents wanting extra information to help them prepare)
- ‘Information on the issues I needed to cover in conciliation’ (30% applicants; 21% respondents)
- ‘More information on the conciliation process and the role of the conciliator’ (20% applicants; 27% respondents)
- ‘Information on possible settlement options/ terms of settlement’ (15% applicants; 15% respondents)
- ‘Information on other unfair dismissal cases’ (10% applicants; 13% respondents)
- ‘Information on what happens should the matter not be resolved at conciliation’ (4% applicants; 17% respondents).



## 2.4 The conciliation and conciliator

Figure 19: Agreement with statements relating to conciliation (1)



BASE  
 Applicants (n=500)  
 Respondents (n=500)  
 Representatives (n=100)

[Applicants and respondents] QD1. Regardless of the outcome of the conciliation, how much, on a scale of 0 to 10, do you agree with the following:  
 [Representatives] QD1. Thinking across your experience in conciliation, and regardless of their outcomes, how much do you agree with the following:

### The conciliation was well managed

Figure 19 shows that 86% of applicants, 88% of respondents and 91% of representatives agreed or strongly agreed that the conciliation was well managed. Five percent of applicants, 4% of respondents and 4% of representatives neither agreed nor disagreed with this statement. Nine percent of applicants, 7% of respondents and 4% of representatives disagreed or strongly disagreed that the conciliation was well managed.

### The conciliation was fair

Figure 19 also shows that 73% of applicants, 74% of respondents and 86% of representatives agreed or strongly agreed that the conciliation was fair. Ten percent of applicants, 8% of respondents and 4% of representatives neither agreed nor disagreed with this statement. A further 15% of applicants, 17% of respondents and 8% of representatives disagreed or strongly disagreed that the conciliation was fair.

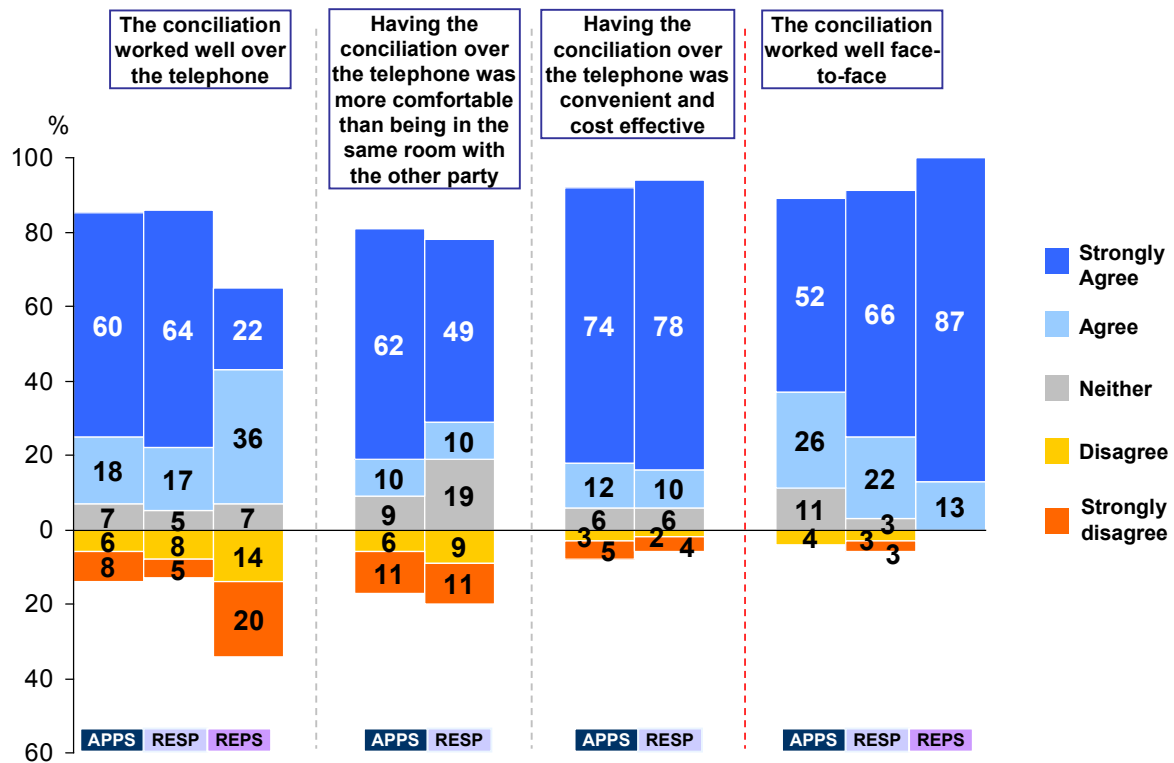
*There was a good balance between joint discussions and private sessions with the conciliator*

As illustrated in Figure 19, 84% of applicants, 87% of respondents and 91% of representatives agreed or strongly agreed that there was a good balance between joint discussions and private sessions with the conciliator. Five percent of applicants, 4% of respondents and 6% of representatives neither agreed nor disagreed with this statement. Nine percent of applicants, 8% of respondents and 2% of representatives disagreed or strongly disagreed that there was a good balance between joint discussions and private sessions with the conciliator.

*The conciliation was a valuable and worthwhile process*

Figure 19 indicates that 77% of applicants, 67% of respondents and 82% of representatives agreed or strongly agreed that the conciliation was a valuable and worthwhile process. Six percent of applicants, 11% of respondents and 6% of representatives neither agreed nor disagreed with this. Sixteen percent of applicants, 21% of respondents and 12% of representatives disagreed or strongly disagreed that the conciliation was a valuable and worthwhile process.

Figure 20: Agreement with statements relating to conciliation (2)



BASE: Phone conciliations or face to face conciliations respectively.  
 Applicants (n=482 / 27)  
 Respondents (n=481 / 58)  
 Representatives (n=98 / 31)

[Applicants and respondents] QD1. Regardless of the outcome of the conciliation, how much, on a scale of 0 to 10, do you agree with the following:  
 [Representatives] QD1. Thinking across your experience in conciliation, and regardless of their outcomes, how much do you agree with the following:

*The conciliation worked well over the telephone*

Figure 20 illustrates that 78% of applicants, 81% of respondents and 58% of representatives agreed or strongly agreed that the conciliation worked well over the telephone. Seven percent of applicants, 5% of respondents and 7% of representatives neither agreed nor disagreed with this. Fourteen percent of applicants, 13% of respondents and 34% of representatives disagreed or strongly disagreed that the conciliation worked well over the telephone.

*Having the conciliation over the telephone was more comfortable than being in the same room as the other party*

Figure 20 shows that 72% of applicants and 59% of respondents agreed or strongly agreed that having the conciliation over the telephone was more comfortable than being in the same room as the other party. Nine percent of applicants and 19% of respondents neither agreed nor disagreed that this was the case. Seventeen percent of applicants and 20% of respondents disagreed or strongly disagreed that having the conciliation over the telephone was more comfortable than being in the same room as the other party.

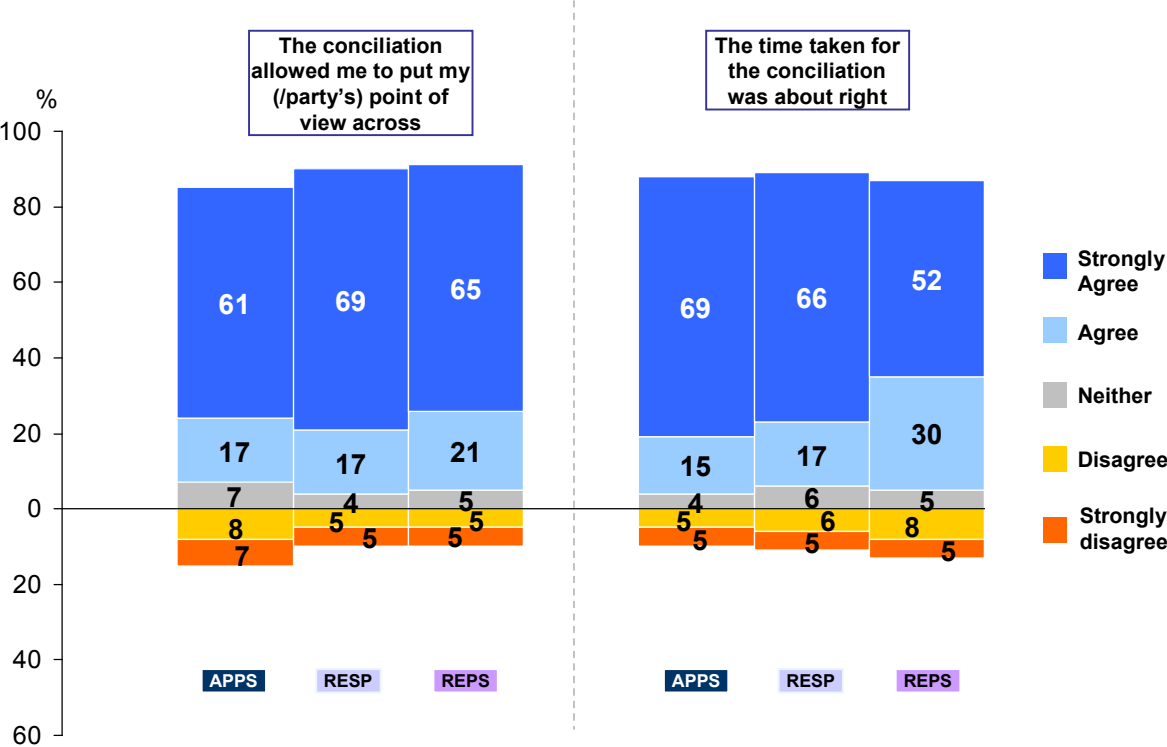
*Having the conciliation over the telephone was convenient and cost effective*

In addition, Figure 20 demonstrates that 86% of applicants and 88% of respondents agreed or strongly agreed that having the conciliation over the telephone was convenient and cost effective, while 6% of applicants and 6% of respondents neither agreed nor disagreed with this statement. Eight percent of applicants and 6% of respondents disagreed or strongly disagreed that having the conciliation over the telephone was convenient and cost effective.

*The conciliation worked well face to face*

Figure 20 also shows that 78% of applicants, 88% of respondents and 100% of representatives who had experienced a face to face conciliation since July 1<sup>st</sup> 2009 agreed or strongly agreed that the conciliation worked well through this method. Eleven percent of applicants and 3% of respondents neither agreed nor disagreed with the statement. A further 4% of applicants and 6% of respondents disagreed or strongly disagreed that the conciliation worked well face to face.

**Figure 21: Agreement with statements relating to conciliation (3)**



**BASE**  
 All Applicants (n=500)  
 All Respondents (n=500)  
 All Representatives (n=100)

[Applicants and respondents] QD1. Regardless of the outcome of the conciliation, how much, on a scale of 0 to 10, do you agree with the following:  
 [Representatives] QD1. Thinking across your experience in conciliation, and regardless of their outcomes, how much do you agree with the following:

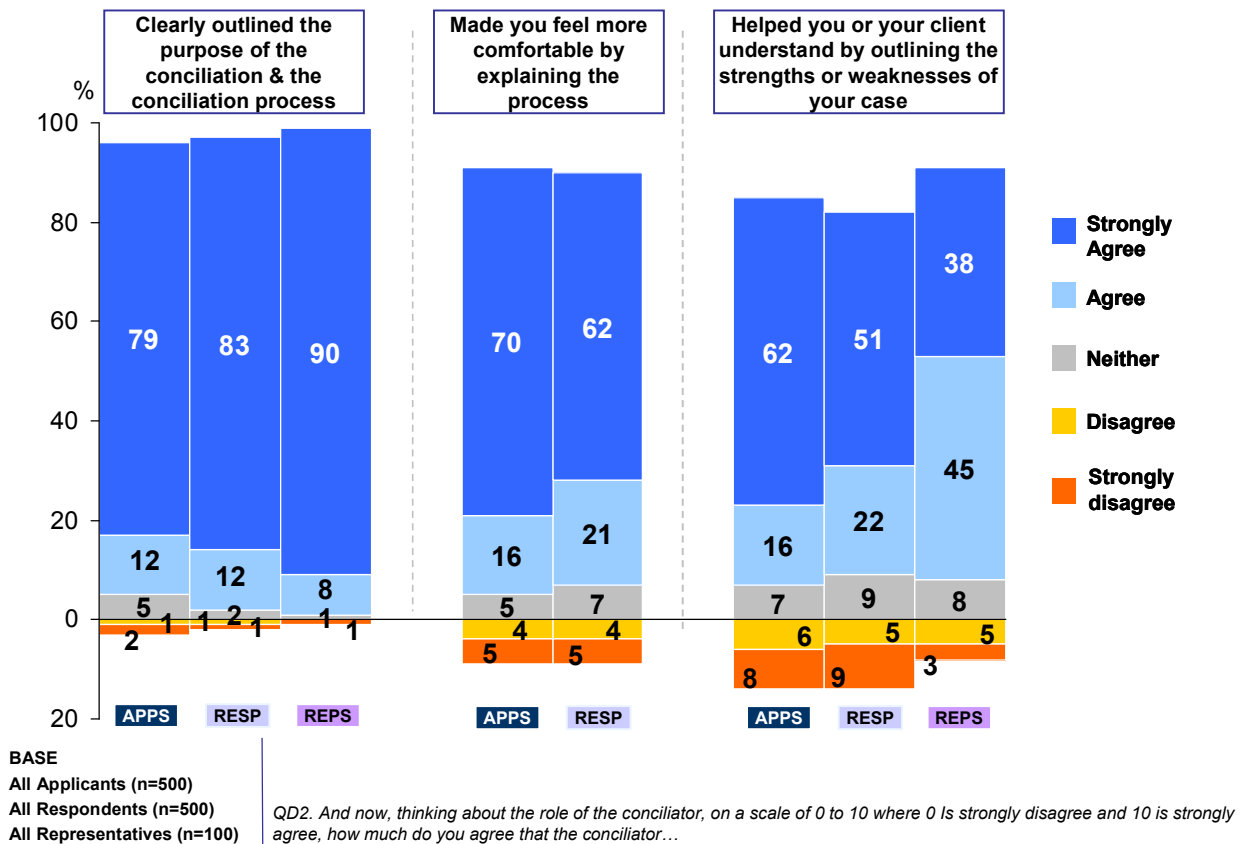
*The conciliation allowed me to put my (party's) point of view across*

Figure 21 shows that 78% of applicants, 86% of respondents and 86% of representatives agreed or strongly agreed that the conciliation allowed them to put their or their party's point of view across. Seven percent of applicants, 4% of respondents and 5% of representatives neither agreed nor disagreed with this statement. Fifteen percent of applicants, 10% of respondents and 10% of representatives disagreed or strongly disagreed that the conciliation allowed them to put their / their party's point of view across.

*The time taken for the conciliation was about right*

Figure 21 indicates that 84% of applicants, 83% of respondents and 82% of representatives agreed or strongly agreed that the time taken for the conciliation was about right. Four percent of applicants, 6% of respondents and 5% of representatives neither agreed nor disagreed with the statement, with an additional 10% of applicants, 11% of respondents and 13% of representatives disagreeing or strongly disagreeing that the time taken for the conciliation was about right.

**Figure 22: Conciliator attributes (1)**



*Clearly outlined the purpose of the conciliation and the conciliation process*

Figure 22 shows that 91% of applicants, 95% of respondents and 98% of representatives agreed or strongly agreed that the conciliator clearly outlined the purpose of the conciliation and the conciliation process. Five percent of applicants, 2% of respondents and 1% of representatives neither agreed nor disagreed with this. Three percent of applicants, 2% of respondents and 1% of representatives disagreed or strongly disagreed that the conciliator clearly outlined the purpose of the conciliation and the conciliation process.

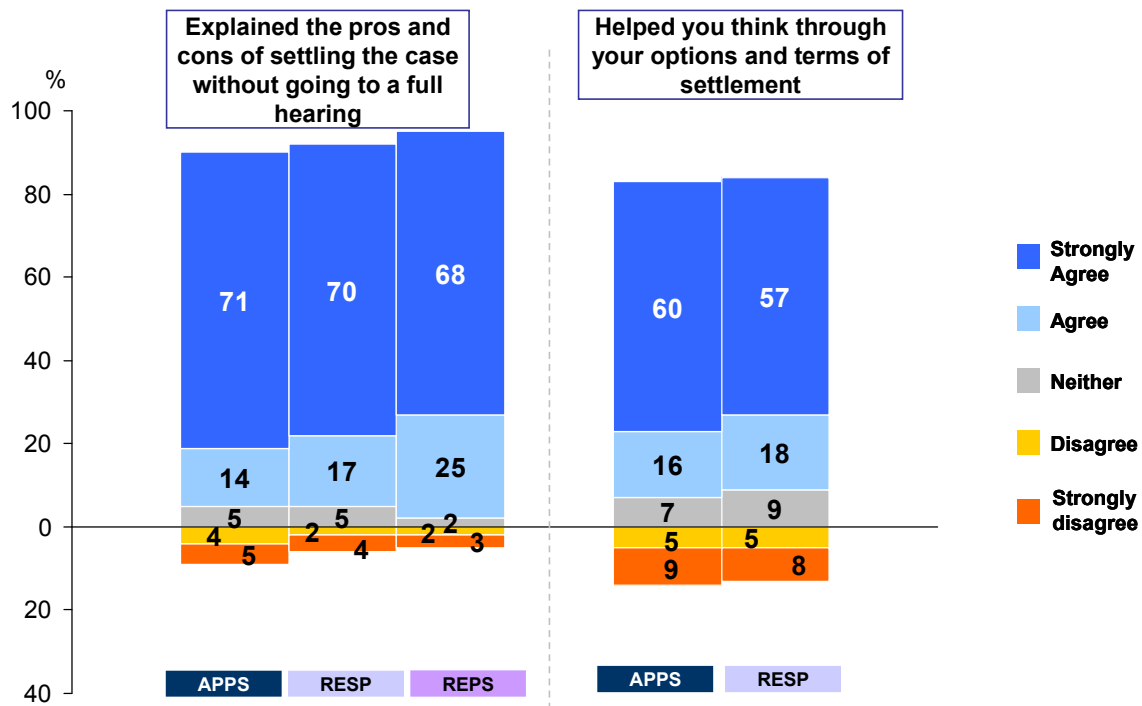
*Made you feel more comfortable by explaining the process*

Figure 22 indicates that 86% of applicants and 83% of respondents agreed or strongly agreed that the conciliator made them feel more comfortable by explaining the process. Five percent of applicants and 7% of respondents neither agreed nor disagreed with this statement. Overall, nine percent of applicants and 9% of respondents disagreed or strongly disagreed that the conciliator made them feel more comfortable by explaining the process.

*Helped you or your client understand by outlining the strengths or weaknesses of your case*

As indicated in Figure 22, 78% of applicants, 73% of respondents and 83% of representatives agreed or strongly agreed that the conciliator helped them or their client by outlining the strengths or weaknesses of their case. Seven percent of applicants, 9% of respondents and 8% of representatives neither agreed nor disagreed with this. Fourteen percent of applicants, 14% of respondents and 8% of representatives disagreed or strongly disagreed that the conciliator helped them or their client by outlining the strengths or weaknesses of their case.

**Figure 23: Conciliator attributes (2)**



BASE  
 All Applicants (n=500)  
 All Respondents (n=500)  
 All Representatives (n=100)

QD2. And now, thinking about the role of the conciliator, on a scale of 0 to 10 where 0 is strongly disagree and 10 is strongly agree, how much do you agree that the conciliator

*Explained the pros and cons of settling the case without going into a full hearing*

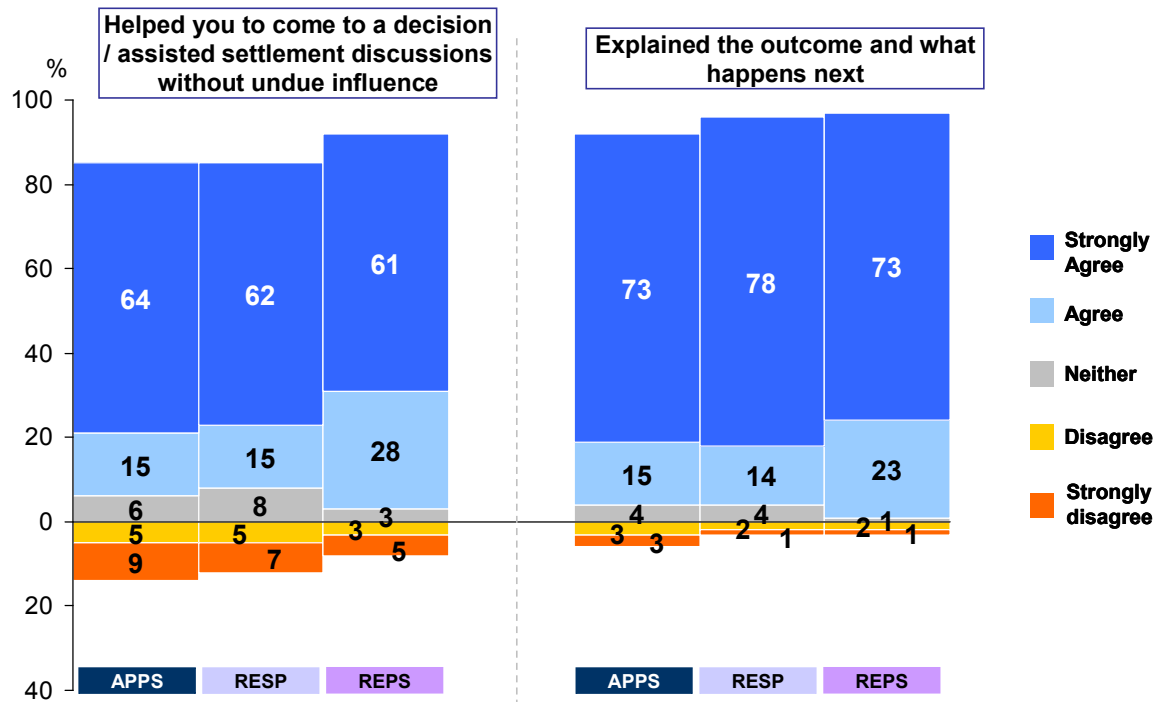
Figure 23 shows that 85% of applicants, 87% of respondents and 93% of representatives agreed or strongly agreed that the conciliator explained the pros and cons of settling the case without going to a full hearing. Five percent of applicants, 5% of respondents and 2% of representatives neither agreed nor disagreed that this was the case. Nine percent of applicants, 6% of respondents and 5% of representatives disagreed or strongly disagreed that the conciliator explained the pros and cons of settling the case without going to a full hearing.

*Helped you think through your options and terms of settlement*

Figure 23 also indicates that 76% of applicants and 75% of respondents agreed or strongly agreed that the conciliator helped them think through their options and terms of settlement. Seven percent of applicants and 9% of respondents neither agreed nor disagreed with the statement. Fourteen percent of applicants and 13% of respondents disagreed or strongly disagreed that the conciliator helped them think through their options and terms of settlement.



Figure 24: Conciliator attributes (3)



BASE  
 All Applicants (n=500)  
 All Respondents (n=500)  
 All Representatives (n=100)

QD2. And now, thinking about the role of the conciliator, on a scale of 0 to 10 where 0 is strongly disagree and 10 is strongly agree, how much do you agree that the conciliator

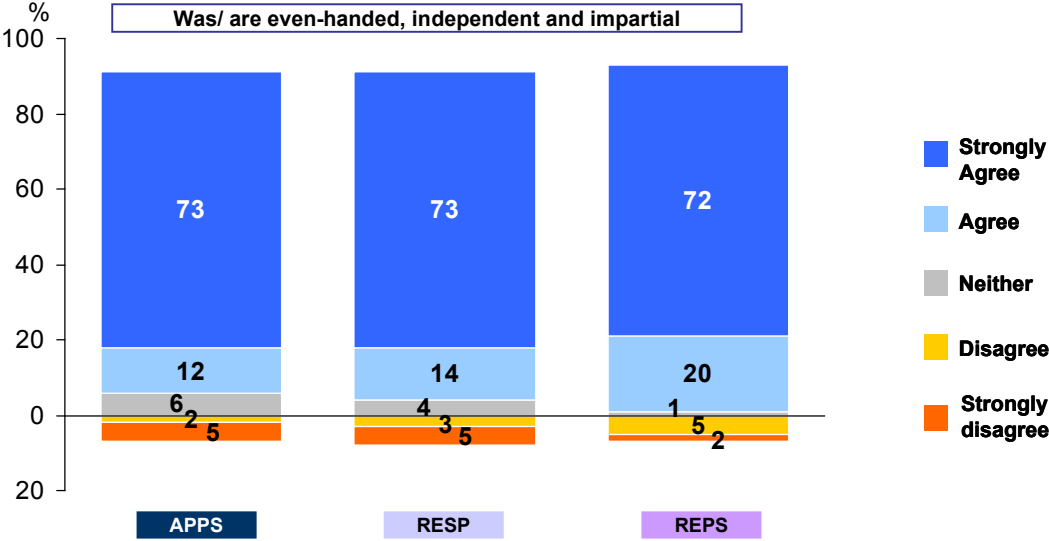
*Helped you to come to a decision/ assisted settlement discussions without undue influence*

Figure 24 indicates that 79% of applicants, 77% of respondents and 89% of representatives agreed or strongly agreed that the conciliator helped them to come to a decision/ assisted settlement discussions without undue influence. Six percent of applicants, 8% of respondents and 3% of representatives neither agreed nor disagreed with this. Fourteen percent of applicants, 12% of respondents and 8% of representatives disagreed or strongly disagreed that the conciliator helped them to come to a decision/ assisted settlement discussions without undue influence.

*Explained the outcome and what happens next*

Figure 24 shows that 88% of applicants, 92% of respondents and 96% of representatives agreed or strongly agreed that the conciliator explained the outcome and what happens next. Four percent of applicants, 4% of respondents and 1% of representatives neither agreed nor disagreed with this statement. Six percent of applicants, 3% of respondents and 3% of representatives disagreed or strongly disagreed that the conciliator explained the outcome and what happens next.

**Figure 25: Conciliator attributes (4)**



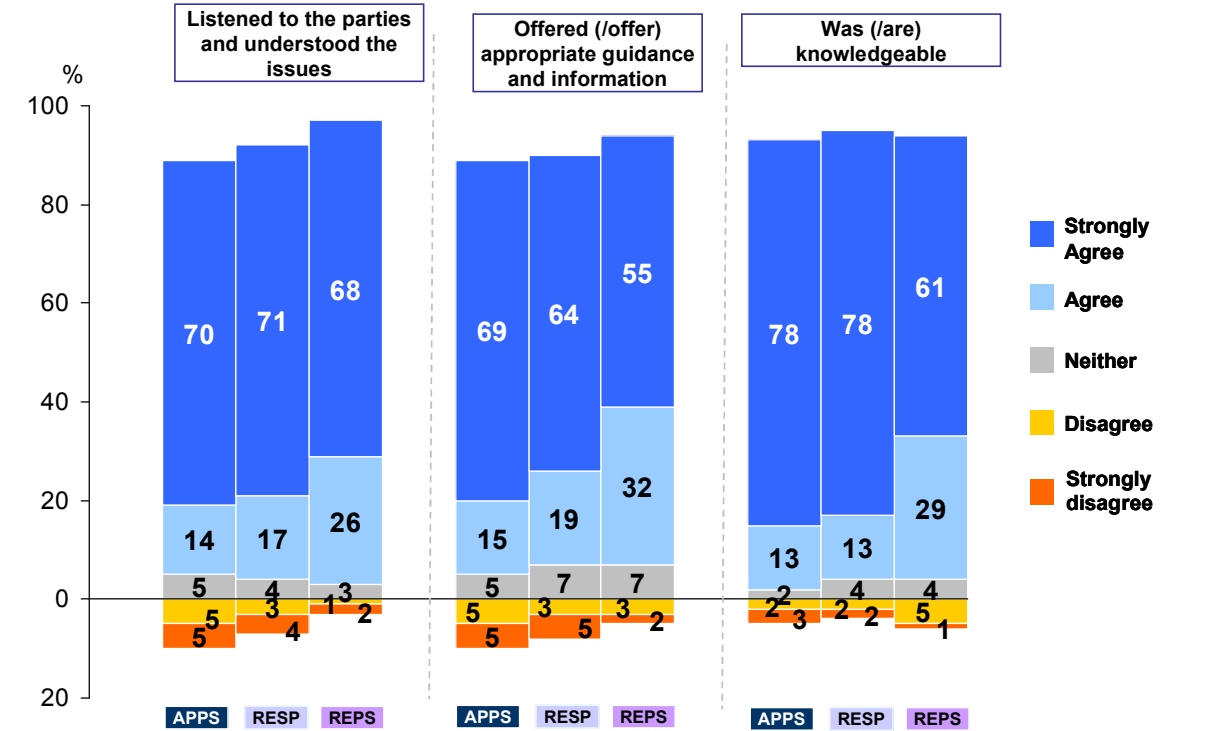
**BASE**  
 All Applicants (n=500)  
 All Respondents (n=500)  
 All Representatives (n=100)

[Applicants and Respondents] QD3. And, regardless of the outcome of the conciliation, on a scale of 0 to 10, how much do you agree that the conciliator...  
 [Representatives] QD3. And, on a scale of 0 to 10, how much do you agree that the conciliators...

*Are even-handed, independent and impartial*

Relating to independence and impartiality, Figure 25 shows that 85% of applicants, 87% of respondents and 92% of representatives agreed or strongly agreed that the conciliator(s) are/ were even handed, independent and impartial. Six percent of applicants, 4% of respondents and 1% of representatives neither agreed nor disagreed that this was the case. Seven percent of applicants, 8% of respondents and 7% of representatives disagreed or strongly disagreed agreed that the conciliator(s) are/ were even handed, independent and impartial.

**Figure 26: Conciliator attributes (5)**



**BASE**  
 All Applicants (n=500)  
 All Respondents (n=500)  
 All Representatives (n=100)

[Applicants and Respondents] QD3. And, regardless of the outcome of the conciliation, on a scale of 0 to 10, how much do you agree that the conciliator...  
 [Representatives] QD3. And, on a scale of 0 to 10, how much do you agree that the conciliators...

**Listened to the parties and understood the issues**

As can be observed in Figure 26, 84% of applicants, 88% of respondents and 94% of representatives agreed or strongly agreed that the conciliator listened and understood the issues. Five percent of applicants, 4% of respondents and 3% of representatives neither agreed nor disagreed with this statement. Ten percent of applicants, 7% of respondents and 3% of representatives disagreed or strongly disagreed that the conciliator listened to the parties and understood the issues.

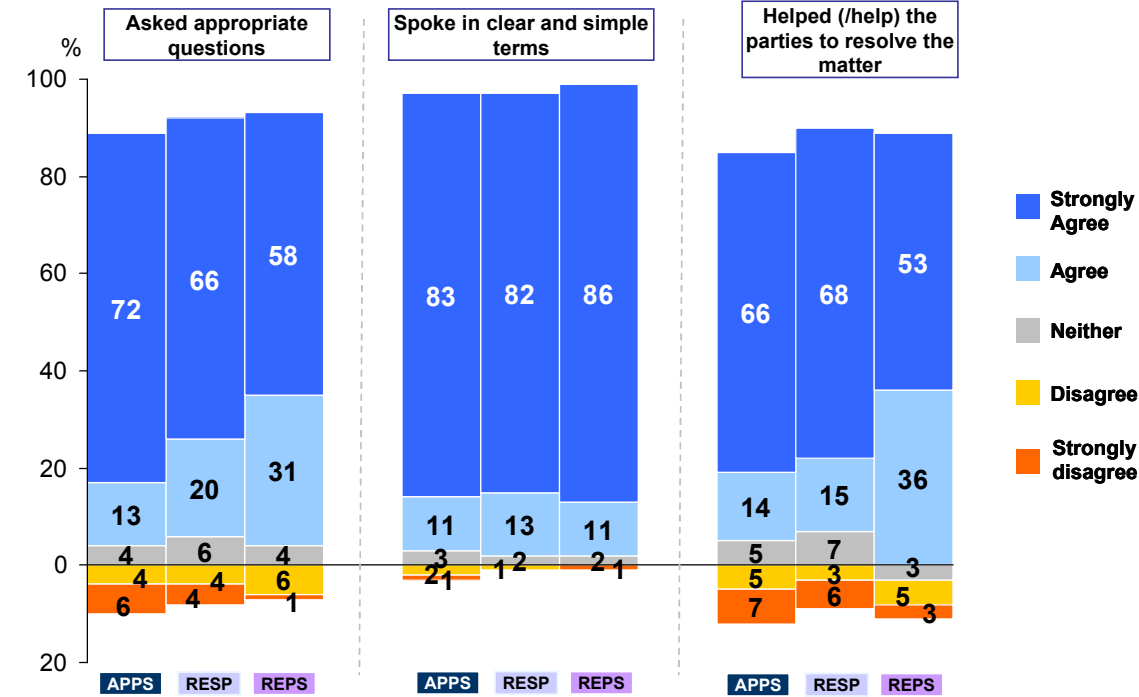
**Offered appropriate guidance and information**

Figure 26 shows that 84% of applicants, 83% of respondents and 87% of representatives agreed or strongly agreed that the conciliator offered appropriate guidance and information. Five percent of applicants, 7% of respondents and 7% of representatives neither agreed nor disagreed with this, while 10% of applicants, 8% of respondents and 5% of representatives disagreed or strongly disagreed agreed that the conciliator offered appropriate guidance and information.

**Was (or are) knowledgeable**

Figure 26 shows that 91% of applicants, 91% of respondents and 90% of representatives agreed or strongly agreed that the conciliator was knowledgeable. Two percent of applicants, 4% of respondents and 4% of representatives neither agreed nor disagreed, while 5% of applicants, 4% of respondents and 6% of representatives disagreed or strongly disagreed that this was the case.

**Figure 27: Conciliator attributes (6)**



**BASE**  
 All Applicants (n=500) [Applicants and Respondents] QD3. And, regardless of the outcome of the conciliation, on a scale of 0 to 10, how much do you agree that the conciliator...  
 All Respondents (n=500)  
 All Representatives (n=100) [Representatives] QD3. And, on a scale of 0 to 10, how much do you agree that the conciliators...

*Asked appropriate questions*

Figure 27 illustrates that 85% of applicants, 86% of respondents and 89% of representatives agreed or strongly agreed that the conciliator asked appropriate questions. A further 4% of applicants, 6% of respondents and 4% of representatives neither agreed nor disagreed with this statement. Overall, 10% of applicants, 8% of respondents and 7% of representatives disagreed or strongly disagreed agreed that the conciliator asked appropriate questions.

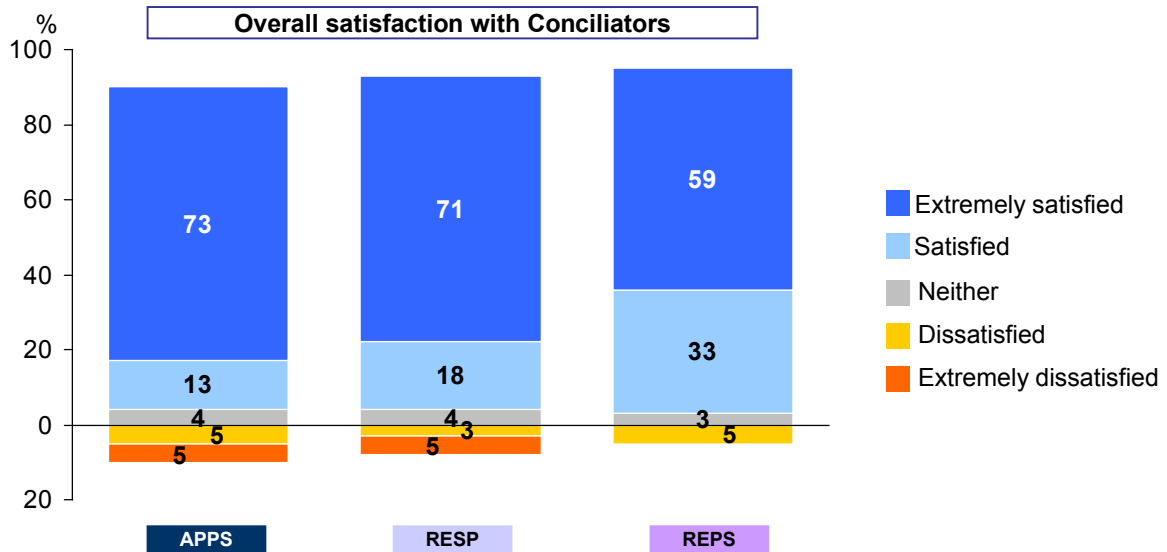
*Spoke in clear and simple terms*

Figure 27 also indicates that 94% of applicants, 95% of respondents and 97% of representatives agreed or strongly agreed that the conciliator spoke in clear and simple terms. Three percent of applicants, 2% of respondents and 2% of representatives neither agreed nor disagreed with this. Three percent of applicants, 1% of respondents and 1% of representatives disagreed or strongly disagreed agreed that the conciliator spoke in clear and simple terms.

*Helped the parties to resolve the matter*

Additionally, Figure 27 shows that 80% of applicants, 83% of respondents and 89% of representatives agreed or strongly agreed that the conciliator helped the parties to resolve the matter. Five percent of applicants, 7% of respondents and 3% of representatives neither agreed nor disagreed with this. Twelve percent of applicants, 9% of respondents and 8% of representatives disagreed or strongly disagreed agreed that the conciliator helped the parties to resolve the matter.

**Figure 28: Overall satisfaction with conciliators**

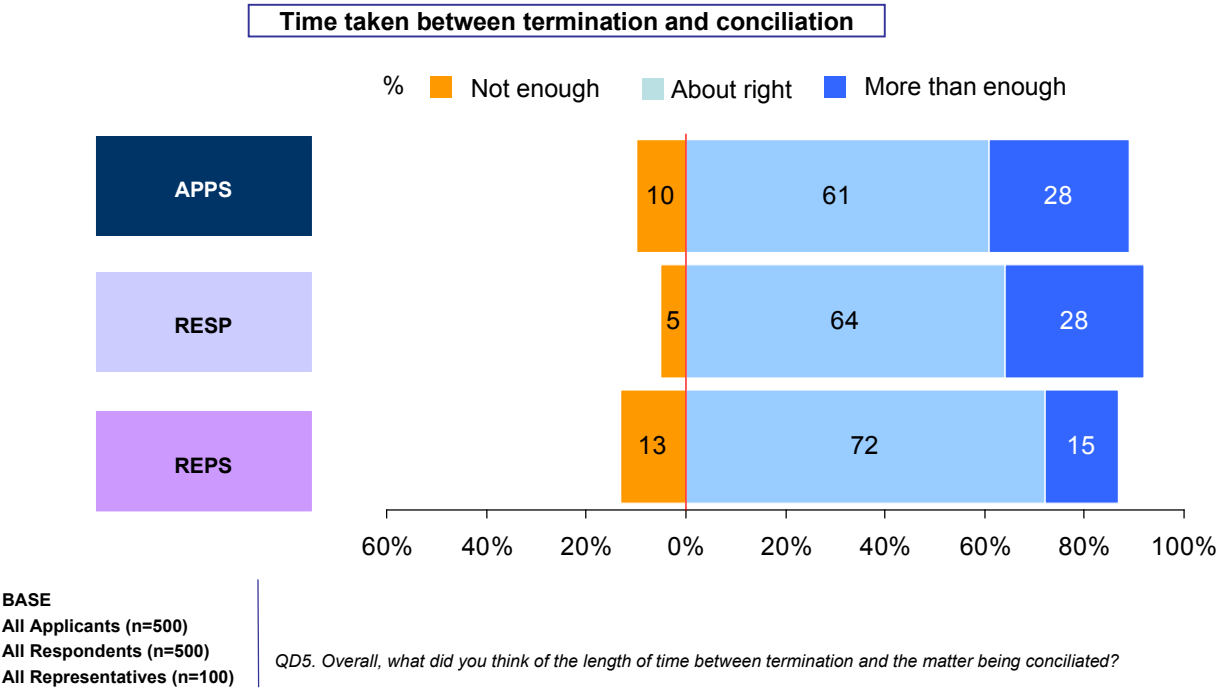


**BASE**  
**All Applicants (n=500)**  
**All Respondents (n=500)**  
**All Representatives (n=100)**

*[Applicants & Respondents] QD4. Overall, on a scale of 0 to 10, where 0 represents extremely dissatisfied and 10 represents extremely satisfied, how satisfied were you with the conciliator for this case?*  
*[Representatives] QD4. Overall, on a scale of 0 to 10, where 0 represents extremely dissatisfied and 10 represents extremely satisfied, how satisfied are you on average with the conciliator(s) you have dealt with?*

Figure 28 illustrates overall satisfaction with the conciliators, demonstrating that 86% of applicants, 89% of respondents and 92% of representatives were satisfied or extremely satisfied with their conciliator(s). Four percent of applicants, 4% of respondents and 3% of representatives were neither satisfied nor dissatisfied with their conciliator(s). Ten percent of applicants, 8% of respondents and 5% of representatives were dissatisfied or extremely dissatisfied with their conciliator(s).

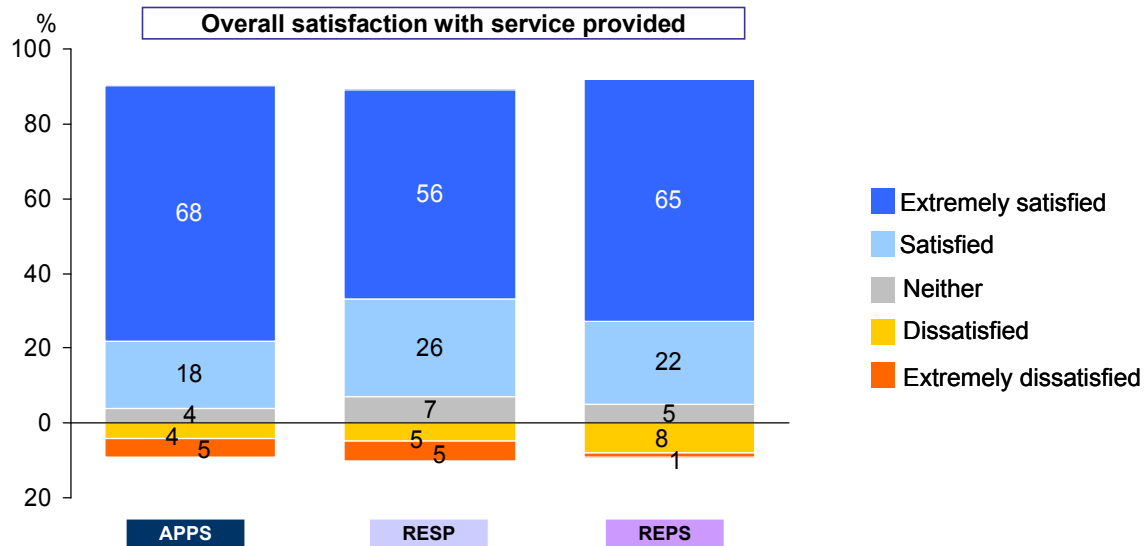
**Figure 29: Time taken between termination and conciliation**



As depicted in Figure 29, 28% of applicants, 28% of respondents and 15% of representatives felt that there was more than enough time available between termination and the conciliation occurring. The majority of applicants (61%), respondents (64%) and representatives (72%) felt that the time taken between termination and conciliation was about right. Ten percent of applicants, 5% of respondents and 13% of representatives felt there was not enough time available between termination and conciliation.

## 2.5 Overall service quality measures

Figure 30: Satisfaction with the service provided by Fair Work Australia



**BASE**

All Applicants (n=500)

All Respondents (n=500)

All Representatives (n=100)

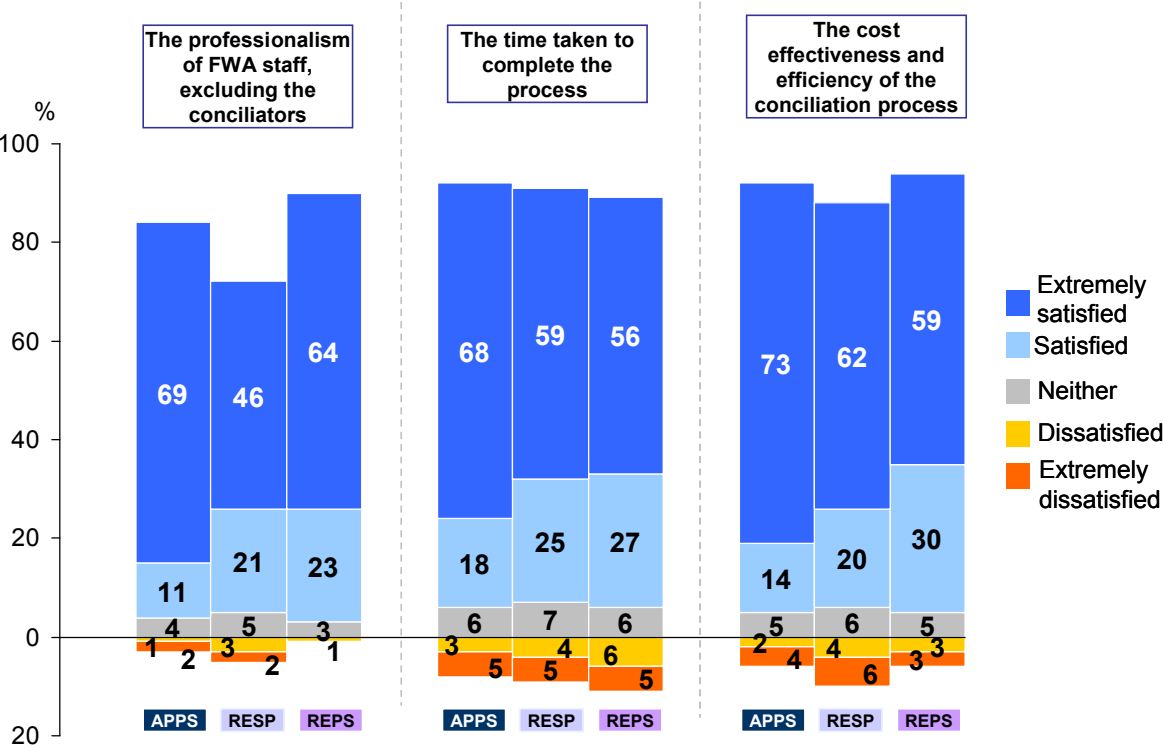
[Applicants and respondents] QE1. Thinking about all your dealings with Fair Work Australia up to the conclusion of conciliation and regardless of the outcome of the conciliation, how satisfied were you with the service provided?

[Representatives] QE1. Thinking about all your dealings with Fair Work Australia involving unfair dismissal claims up to the conclusion of conciliation, and regardless of the outcomes you have had, how satisfied are you with the service provided?

Please answer this on a scale of 0 to 10, where 0 represents extremely dissatisfied and 10 extremely satisfied.

As can be seen in Figure 30, regardless of the outcome of their case, 86% of applicants, 82% of respondents and 87% of representatives were satisfied or extremely satisfied with the service provided by Fair Work Australia for unfair dismissal applications. Four percent of applicants, 7% of respondents and 5% of representatives were neither satisfied nor dissatisfied with the service provided and 9% of applicants, 10% of respondents and 9% of representatives were dissatisfied or extremely dissatisfied with the service.

**Figure 31: Broad service quality elements**



BASE  
 All Applicants (n=500)  
 All Respondents (n=500)  
 All Representatives (n=100)

QE2. And regardless of the outcome(s), how satisfied are you overall with the following aspects of the service you have received from FWA...

*The professionalism of Fair Work Australia staff, excluding conciliators*

Figure 31 indicates that 80% of applicants, 67% of respondents and 87% of representatives were either satisfied or extremely satisfied with the professionalism of Fair Work Australia staff (excluding the conciliators). Four percent of applicants, 5% of respondents and 3% of representatives were neither satisfied nor dissatisfied, and 3% of applicants, 5% of respondents and 1% of representatives were dissatisfied or extremely dissatisfied with the professional of FWA staff (excluding conciliators).

*The time taken to complete the process*

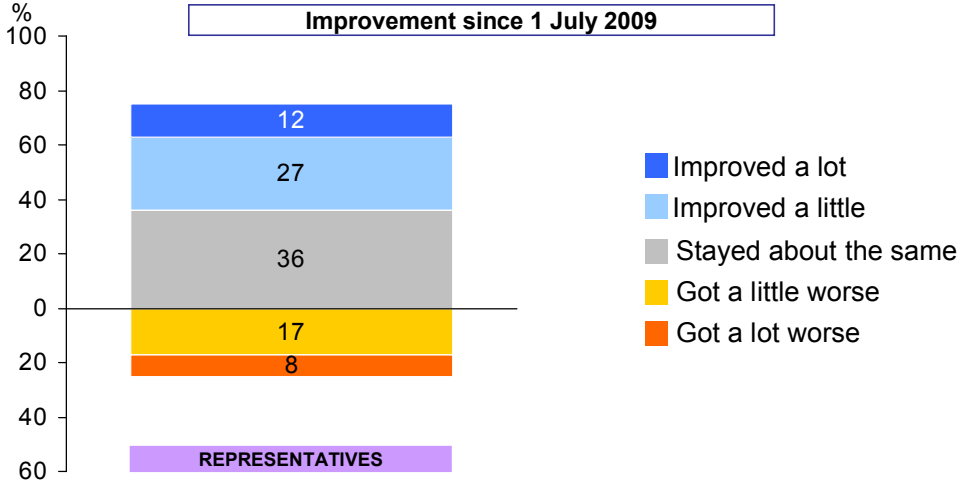
Figure 31 shows that 86% of applicants, 84% of respondents and 83% of representatives were satisfied or extremely satisfied with the time taken to complete the process. Six percent of applicants, 7% of respondents and 6% of representatives were neutral towards this statement with the remaining 8% of applicants, 9% of respondents and 11% of representatives dissatisfied or extremely dissatisfied with the time taken to complete the process.



*The cost effectiveness and efficiency of the conciliation process*

Figure 31 indicates that 87% of applicants, 82% of respondents and 89% of representatives were satisfied or extremely satisfied in regard to the cost effectiveness and efficiency of the conciliation process. A further 5% of applicants, 6% of respondents and 5% of representatives were neutral in this regard, with 6% of applicants, 10% of respondents and 6% of representatives dissatisfied or extremely dissatisfied with the cost effectiveness and efficiency of the conciliation process.

**Figure 32: Improvements in the conciliation process over the past year (representatives only)**



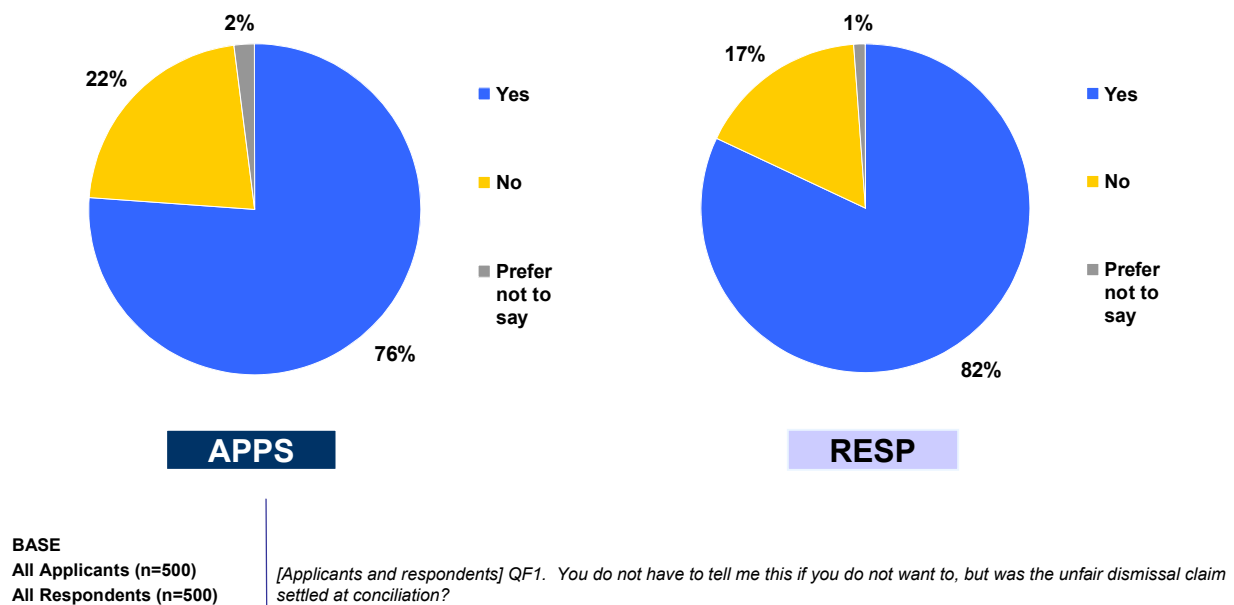
**BASE – all representatives who have respresented someone more than once since 1 July 2009 (n=92)**

*[Representatives] QE3. And thinking over the course of the past year and the conciliations you have been involved in, would you say that generally the process has...*

Examining perceptions of changes in the conciliation process amongst representatives, Figure 32 shows that 39% of representatives felt that the conciliation process has improved a little or a lot in the past year, and 36% said the process had stayed about the same. Twenty-five percent of representatives thought the process had got a little or a lot worse since July 1 2009.

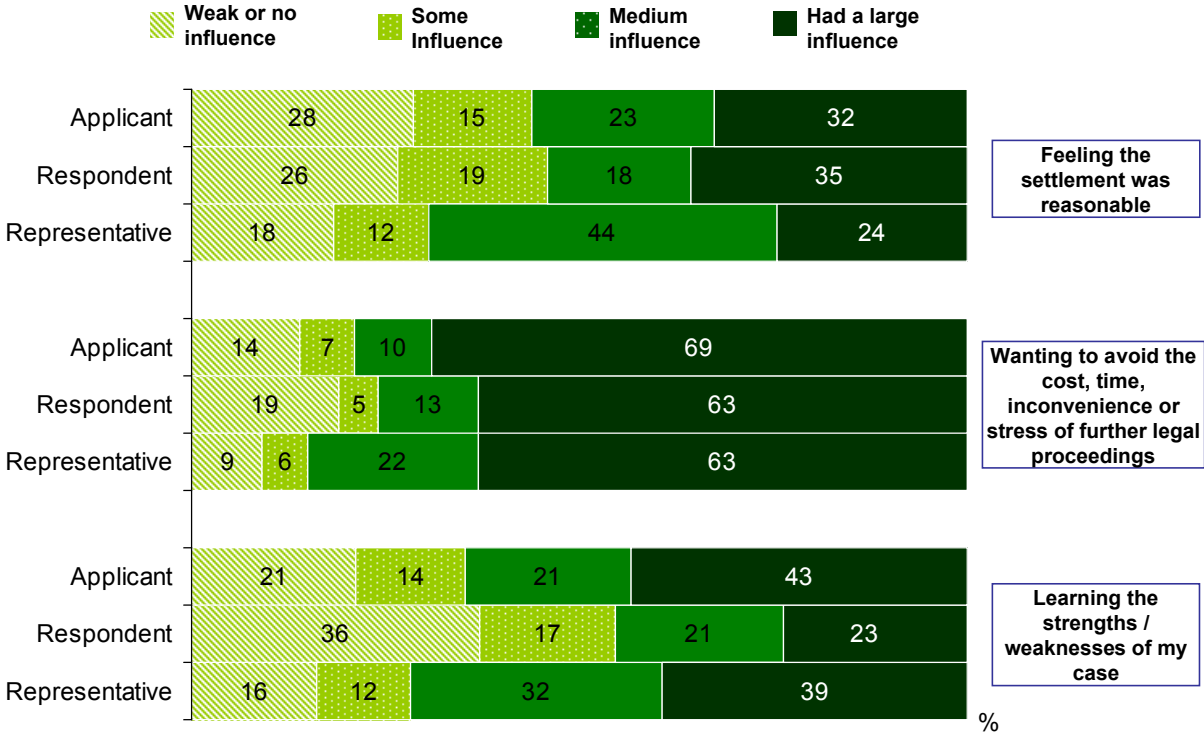
## 2.6 Outcome

Figure 33: Settlement of conciliation



Survey participants were asked to indicate, only if they wished, the outcome of the conciliation they had been involved in. Figure 33 shows that 76% of applicants and 82% of respondents in the survey settled their unfair dismissal claim at conciliation. Twenty two percent of applicants and 17% of respondents did not settle, while 2% of applicants and 1% of respondents declined to answer.

**Figure 34: Influences on settlement (1)**



**BASE:** All applicants and respondents who settled and all representatives.  
**Applicants (n=378)**  
**Respondents (n=408)**  
**All Representatives (n=100)**

[Applicants and Respondents] QF2. How much did any of the following influence your decision to settle?  
 [Representatives] QF1. How much do you feel the following influenced decisions to settle at conciliation?  
 Please answer this on a scale of 0 to 10, where 0 means it had no influence at all on your decision and 10 indicates that it had a large influence...

*Feeling the settlement was reasonable*

Figure 34 shows that 55% of applicants, 53% of respondents and 68% of representatives reported that they feeling the settlement was reasonable had a medium or large influence on the decision to settle at conciliation. Fifteen percent of applicants, 19% of respondents and 12% of representatives felt that this had some influence on the decision to settle. Twenty-eight percent of applicants, 26% of respondents and 18% of representatives considered that this factor had a weak or no influence at all on the decision to settle at conciliation.

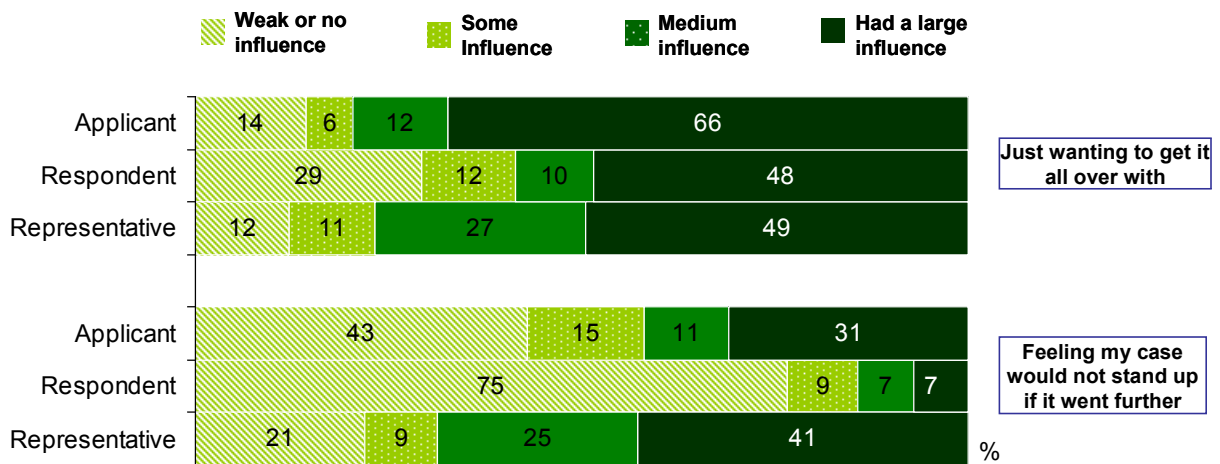
*Wanting to avoid the cost, time, inconvenience or stress of further legal proceedings*

Figure 34 also indicates that 79% of applicants, 76% of respondents and 85% of representatives felt that wanting to avoid the cost, time, inconvenience or stress of further legal proceedings had a medium or large influence on the decision to settle. A further 7% of applicants, 5% of respondents and 6% of representatives felt that this had some influence on the decision, while 14% of applicants, 19% of respondents and 9% of representatives felt that this factor had a weak or no influence at all on the decision to settle at conciliation.

*Learning the strengths / weaknesses of my case*

As indicated in Figure 34, 64% of applicants, 44% of respondents and 71% of representatives considered that learning the strengths / weaknesses of the case had a medium or large influence on the decision to settle. Fourteen percent of applicants, 17% of respondents and 12% of representatives felt that this had some influence. Overall, 21% of applicants, 36% of respondents and 16% of representatives reported that this factor had a weak or no influence on the decision to settle at conciliation.

**Figure 35: Influence on settlement (2)**



**BASE:** All applicants and respondents who settled and all representatives.  
**Applicants (n=378)**  
**Respondents (n=408)**  
**All Representatives (n=100)**

*[Applicants and Respondents] QF2. How much did any of the following influence your decision to settle?  
 [Representatives] QF1. How much do you feel the following influenced decisions to settle at conciliation?  
 Please answer this on a scale of 0 to 10, where 0 means it had no influence at all on your decision and 10 indicates that it had a large influence...*

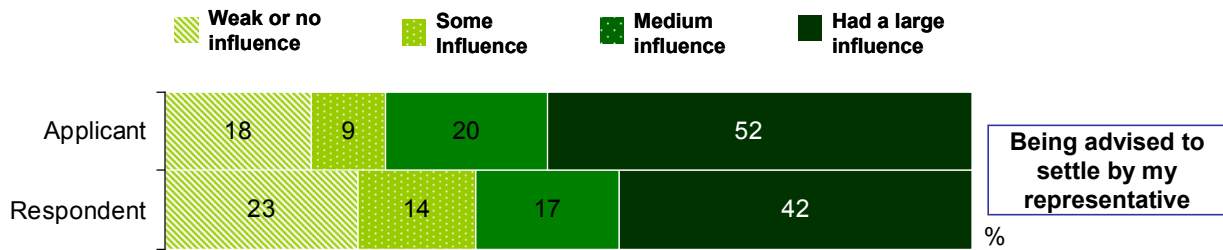
*Just wanting to get it all over with*

Figure 35 indicates that 78% of applicants, 58% of respondents and 76% of representatives felt that ‘just wanting to get it all over with’ had a medium or large influence on the decision to settle at conciliation. An additional 6% of applicants, 12% of respondents and 11% of representatives felt that this factor had some influence on the decision to settle. Fourteen percent of applicants, 29% of respondents and 12% of representatives felt this had a weak or no influence on the decision to settle at conciliation.

*Feeling my case would not stand up if it went any further*

Figure 35 also shows that 42% of applicants, 14% of respondents and 66% of representatives reported that a feeling that their case would not stand up if it went any further had a medium or high influence on the decision to settle. Fifteen percent of applicants, 9% of respondents and 9% of representatives felt this had some influence on the decision. Forty-three percent of applicants, 75% of respondents and 21% of representatives felt that this factor had a weak or no influence at all on the decision to settle at conciliation.

**Figure 36: Influence on settlement (3)**



**BASE:** All applicants and respondents who were represented in conciliation, and who settled.  
**Applicants (n=153)**  
**Respondents (n=118)**

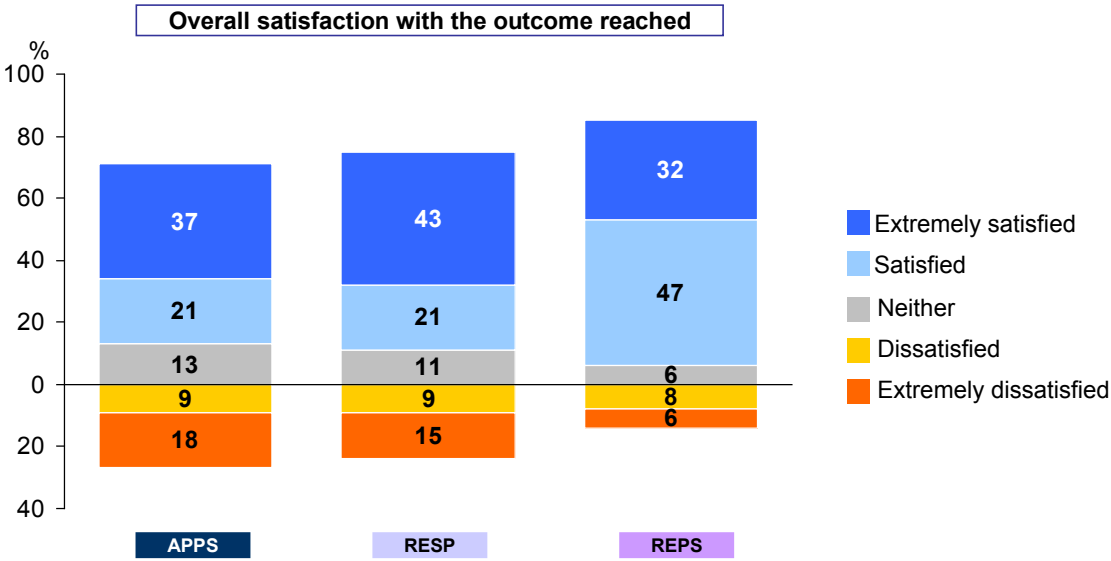
[Applicants and Respondents] QF2. How much did any of the following influence your decision to settle?

Please answer this on a scale of 0 to 10, where 0 means it had no influence at all on your decision and 10 indicates that it had a large influence...

*Being advised to settle by my representative*

Examining settlement amongst those applicants and respondents who were represented, Figure 36 indicates that 72% of applicants and 59% of respondents felt that being advised to settle by their representative had a medium or large influence on the decision. A further 9% of applicants and 14% of respondents felt that this had some influence on them, while 18% of applicants and 23% of respondents felt that this factor had a weak or no influence at all on the decision to settle at conciliation.

**Figure 37: Overall satisfaction with the outcome reached**



**BASE**  
**All Applicants (n=500)**  
**All Respondents (n=500)**  
**All Representatives (n=100)**

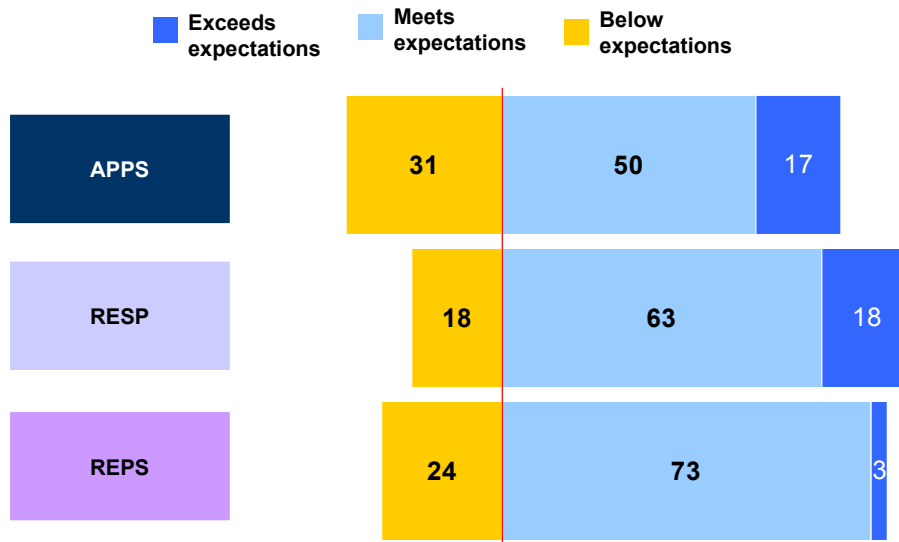
*[Applicants & Respondents] QF3. Thinking of the outcome reached in conciliation, how satisfied were you with this on a scale of 0 to 10?*  
*[Representatives] QF2. Thinking broadly across the conciliations you have been involved in, how satisfied are you with the outcomes of them on a scale of 0 to 10, where 0 means extremely dissatisfied and 10 means extremely satisfied?*

Figure 37 indicates that 58% of applicants, 64% of respondents and 79% of representatives were satisfied or extremely satisfied with the outcome reached in conciliation. Thirteen percent of applicants, 11% of respondents and 6% of representatives were neither satisfied nor dissatisfied with the outcome, while 27% of applicants, 24% of respondents and 14% of representatives were dissatisfied or extremely dissatisfied with the outcome reached in conciliation.



## 2.7 Expectations

Figure 38: Expectations of the conciliation process

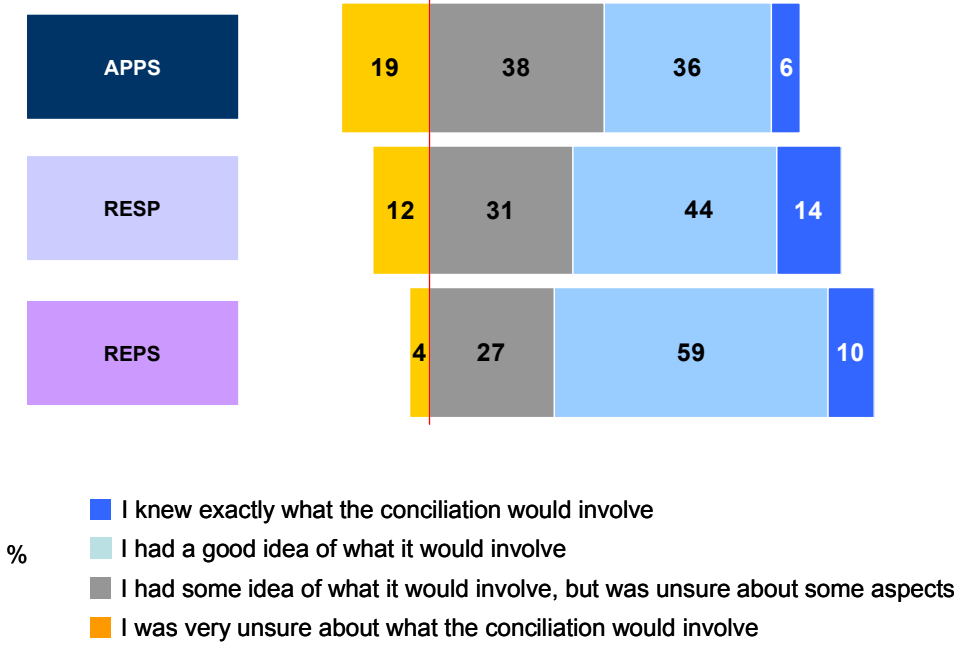


BASE  
 All Applicants (n=500)  
 All Respondents (n=500)  
 All Representatives (n=100)

[Applicants & Respondents] QG1. Overall, would you say that the conciliation process...  
 [Representatives] QG1. Would you say that the conciliation process generally...

As can be seen in Figure 38, 17% of applicants, 18% of respondents and 2% of representatives felt that the conciliation process exceeded their expectations. A further 50% of applicants, 63% of respondents and 73% of representatives felt that the conciliation process met their expectations. Overall, 31% of applicants, 18% of respondents and 24% of representatives indicated that the conciliation process fell below their expectations.

**Figure 39: Expectations before conciliation**

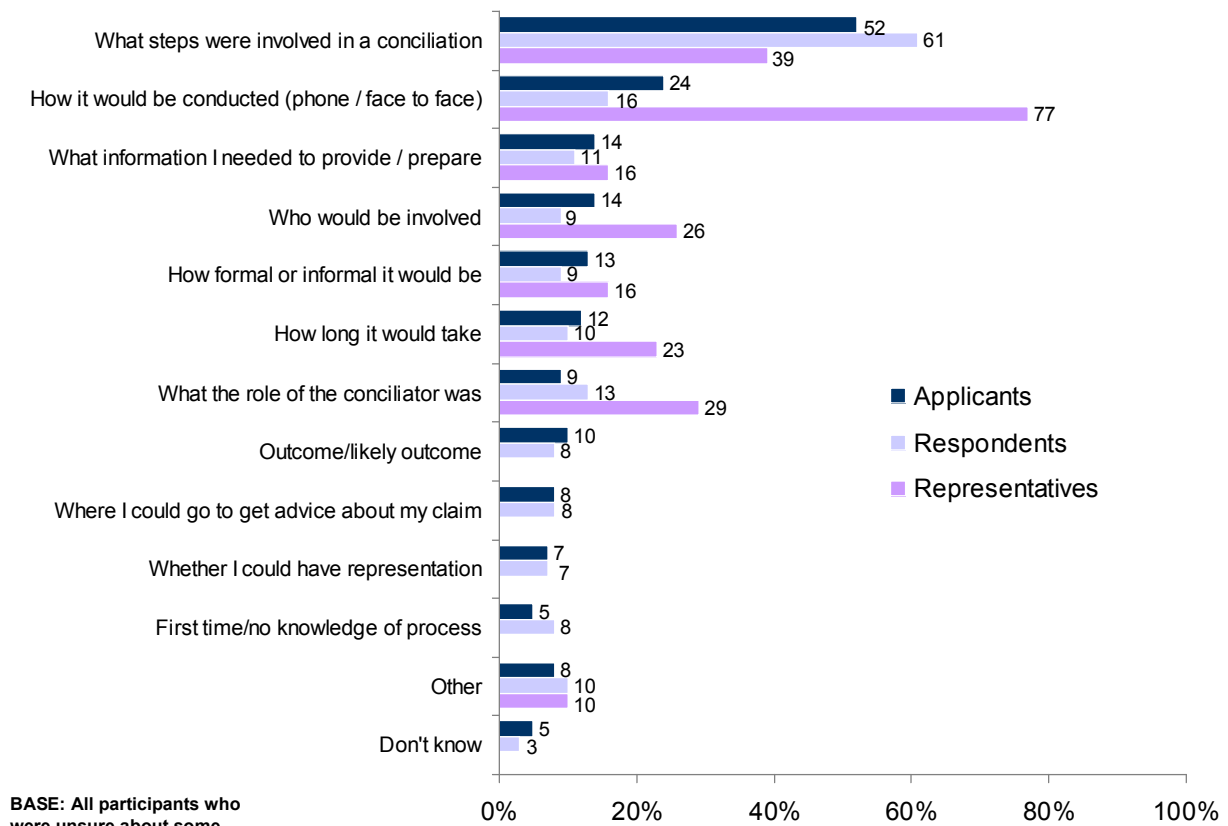


**BASE**  
**All Applicants (n=500)**  
**All Respondents (n=500)**  
**All Representatives (n=100)**

*[Applicants & Respondents] QG2. Thinking back to before the conciliation took place, I want to ask you about what expectations you had of it before you took part... Which of these best applies to how you felt at that time?*  
*[Representatives] QG2. I'd like you to think back to when the new unfair dismissal conciliation process came into effect from 1st July 2009, and the expectations you had of what it would involve... Which of these best applies to how you felt at that time?*

Figure 39 indicates that 42% of applicants, 58% of respondents and 69% of representatives knew exactly or had a good idea of what the conciliation would involve (for applicants and respondents before they took part in their conciliation, or for representatives when the new unfair dismissal process came into effect from 1<sup>st</sup> July 2009). Thirty-eight percent of applicants, 31% of respondents and 27% of representatives had some idea of what the conciliation process would involve, but were unsure about some aspects. Nineteen percent of applicants, 12% of respondents and 4% of representatives were very unsure about what the conciliation would involve.

**Figure 40: What participants were unsure about**



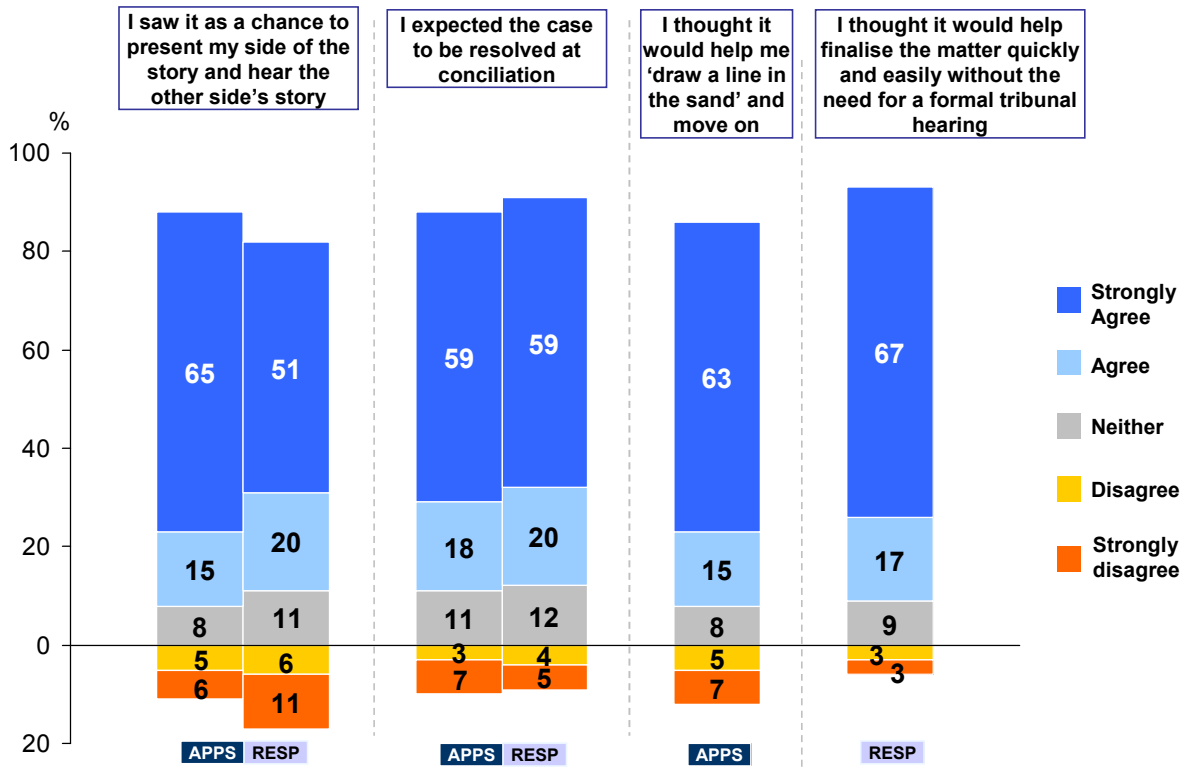
**BASE: All participants who were unsure about some aspect of conciliation.**  
**Applicants (n=289)**  
**Respondents (n=211)**  
**Representatives (n=31)**

*QG3. What in particular were you unsure about? [Note: The base size for representatives is very small and responses should be interpreted with caution.]*

Figure 40 lists which aspects in particular participants were unsure about in regards to the conciliation process beforehand, with a diverse range of survey responses provided. The more common elements mentioned included:

- 'What steps were involved in conciliation' (52% of applicants, 61% of respondents and 39% of representatives who were unsure about the process beforehand mentioning this)
- 'How the conciliation would be conducted' (24% of applicants; 16% of respondents; 77% of representatives)
- 'What information they needed to provide or prepare' (14% of applicants; 11% of respondents; 16% of representatives)
- 'Who would be involved' (14% of applicants; 9% of respondents; 26% of representatives)
- 'How formal/ informal it would be' (13% of applicants; 9% of respondents; 16% of representatives)
- 'How long it would take' (12% of applicants; 10% of respondents; 23% of representatives)
- 'What the role of the conciliator was' (9% of applicants; 13% of respondents; 29% of representatives).

**Figure 41: Expectations of applicants and respondents – agreement with statements**



BASE  
 All Applicants (n=500)  
 All Respondents (n=500)  
 All Representatives (n=100)

[Applicants and respondents] QG4. Here are some things some other people have said about conciliation and what they expected to get out of it. How much do you agree with them, on a scale of 0 to 10?

*I saw it as a chance to present my side of the story and hear the other side's story*

Figure 41 indicates that 80% of applicants and 71% of respondents agreed or strongly agreed that they saw the conciliation as a chance to present their side of the story and hear the other side's story. Eight percent of applicants and 11% of respondents neither agreed nor disagreed with this statement. Eleven percent of applicants and 17% of respondents disagreed or strongly disagreed that they saw the conciliation as a chance to present their side of the story and hear the other side's story.

*I expected the case to be resolved at conciliation*

Figure 41 indicates that 77% of applicants and 79% of respondents agreed or strongly agreed that they expected the case to be resolved at conciliation. Eleven percent of applicants and 12% of respondents neither agreed nor disagreed with this. Ten percent of applicants and 9% of respondents disagreed or strongly disagreed that that they expected the case to be resolved at conciliation.

*I thought it would help me 'draw a line in the sand' and move on*

Figure 41 also shows that 78% of applicants agreed or strongly agreed that they expected that the conciliation would help them 'draw a line in the sand' and move on. Eight percent of applicants neither agreed nor disagreed with this, while a further 12% disagreed or strongly disagreed that they expected the conciliation would help them 'draw a line in the sand' and move on.

*I thought it would help finalise the matter quickly and easily without the need for a tribunal hearing*

As can be seen in Figure 41, 84% of respondents agreed or strongly agreed that they expected the conciliation would help finalise the matter quickly and easily without the need for a tribunal hearing. Nine percent neither agreed nor disagreed with this statement, while a further 6% disagreed or strongly disagreed that they expected the conciliation would help finalise the matter quickly and easily without the need for a tribunal hearing.