

Quarterly report

Unfair dismissals report Jan-Mar 2021

3rd Quarter 2020–21

This quarterly report on unfair dismissals covers the period 1 January 2021 to 31 March 2021.

Applications lodged and results recorded relate to the reporting period. Results are not confined to applications lodged in this period.

All data in this report refers to the *Fair Work Act 2009*.

Item	Information	Number
1	Lodgments	
1.1	Number of applications for orders granting a remedy made under s.394	2723
2	Finalised matters	
2.1	Applications finalised prior to conciliation ^{1,2,3}	650
2.2	Applications settled at conciliation ¹	1784
2.3	Applications not settled at conciliation ¹	435
2.4	Applications finalised after conciliation and before a formal proceeding before a Fair Work Commission member	421
2.5	Applications withdrawn after conference/hearing and before decision ³	11
2.6	Applications finalised by a decision	244

¹ Conciliation refers to conciliations conducted by Commission employees, not Members of the Commission.

² A count of Applications that have been withdrawn prior to conciliation.

³ Does not include applications dismissed by the Commission prior to conciliation pursuant to sections 399A or 587.

Table 1:

Arbitrated proceedings final results	Number	%
Total applications dismissed	189	77.5
Objection upheld - application dismissed	58	23.8
Application dismissed - dismissal was fair	21	8.6
Application dismissed - s.399(A) and s.587	110	45.1
Total applications granted	55	22.5
Application granted - compensation	40	16.4
Application granted - no remedy granted	1	0.4
Application granted - reinstatement	0	0.0
Application granted - reinstatement and lost remuneration	1	0.4
Application granted - remedy to be determined	13	5.3
Total final results Australia wide	244	100

Table 2:

Arbitrated proceedings Merits results	Number	%
7.1 Application dismissed - dismissal was fair	21	27.6
Applications granted - dismissal was not fair	55	72.4
Application granted - compensation	40	52.6
Application granted - no remedy granted	1	1.3
Application granted - reinstatement	0	0.0
Application granted - reinstatement and lost remuneration	1	1.3
Application granted - remedy to be determined	13	17.1
Total merits results Australia wide	76	100

3 Analysis

3.1	Number of conciliations held ⁴	2219
3.2	Applications finalised at or prior to conciliation	2434
3.3	Applications finalised prior to a decision	2866

⁴ Includes all settled and not settled conciliations before a conciliator. Does not include applications withdraws after conciliation. Conciliation refers to conciliations conducted by Fair Work Commission employees

Item	Information	Number
4	Mode of conciliation	
4.1	Conciliations conducted by telephone ⁵	2215
4.2	Conciliations conducted in person ⁵	0
4.3	Conciliation by video conference/other ⁵	1
5	General protections	
5.1	Number of applications for FWC to deal with dismissal disputes made under s.365	984
6	Disputes	
6.1	Number of applications for FWC to deal with dismissal disputes made under s.773	34
7	Settlement Rate	%
7.1	Settlement rate of applications at conciliation	80

Disclaimer

This report should be read in conjunction with the Fair Work Commission information note for Quarterly reports.

In compiling this quarterly report all efforts have been made to ensure statistical accuracy, however minor revisions in figures may occur from time to time. The Fair Work Commission annual report, which is tabled in the Australian Parliament each year, is the official statistical record of tribunal activities for the financial year.

Further information

If you have an inquiry about this report please contact Siavash Motearefi, Chief Data Officer, Tribunal Data and Reporting by phone (03) 8656 4779 or by email Siavash.Motearefi@fwc.gov.au

⁵ May not include applications that withdraw after conciliation