# Quarterly report

FairWork Commission

## Unfair dismissals report Oct-Dec 2019

### 2nd Quarter 2019–20

This quarterly report on unfair dismissals covers the period 1 October 2019 to 31 December 2019.

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 | 3780 |
| **2** | **Finalised matters** | |
| 2.1 | Applications finalised prior to conciliation [1,2,3] | 612 |
| 2.2 | Applications settled at conciliation [1] | 2290 |
| 2.3 | Applications not settled at conciliation [1] | 676 |
| 2.4 | Applications finalised after conciliation and before a formal proceeding before a Fair Work Commission member | 563 |
| 2.5 | Applications withdrawn after conference/hearing and before decision [3] | 7 |
| 2.6 | Applications finalised by a decision | 207 |

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[2] A count of Applications that have been withdrawn prior to conciliation.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

| Item | Information | Number |
|---|---|---|

Table 1:

| Arbitrated proceedings final results | Number | % |
|---|---|---|
| **Total applications dismissed** | **157** | **75.8** |
| Objection upheld - application dismissed | 34 | 16.4 |
| Application dismissed - dismissal was fair | 22 | 10.6 |
| Application dismissed - s.399(A) and s.587 | 101 | 48.8 |
| **Total applications granted** | **50** | **24.2** |
| Application granted - compensation | 34 | 16.4 |
| Application granted - no remedy granted | 4 | 1.9 |
| Application granted - reinstatement | 2 | 1.0 |
| Application granted - reinstatement and lost remuneration | 7 | 3.4 |
| Application granted - remedy to be determined | 3 | 1.4 |
| **Total final results Australia wide** | **207** | **100** |

Table 2:

| Arbitrated proceedings Merits results | Number | % |
|---|---|---|
| **Application dismissed - dismissal was fair** | **22** | **30.6** |
| **Applications granted - dismissal was not fair** | **50** | **69.4** |
| Application granted - compensation | 34 | 47.2 |
| Application granted - no remedy granted | 4 | 5.6 |
| Application granted - reinstatement | 2 | 2.8 |
| Application granted - reinstatement and lost remuneration | 7 | 9.7 |
| Application granted - remedy to be determined | 3 | 4.2 |
| **Total merits results Australia wide** | **72** | **100** |

## 3 Analysis

| | | |
|---|---|---|
| 3.1 | Number of conciliations held [4] | 2966 |
| 3.2 | Applications finalised at or prior to conciliation | 2902 |
| 3.3 | Applications finalised prior to a decision | 3472 |

[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] | 2898 |
| 4.2 | Conciliations conducted in person [5] | 65 |
| 4.3 | Conciliation by video conference/other [5] | 0 |
| **5** | **General protections** | |
| 5.1 | Number of applications for FWC to deal with dismissal disputes made under s.365 | 1164 |
| **6** | **Disputes** | |
| 6.1 | Number of applications for FWC to deal with dismissal disputes made under s.773 | 35 |
| **7** | **Settlement Rate** | **%** |
| 7.1 | Settlement rate of applications at conciliation | 77 |

## 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 Noel Hanssens, Director, Tribunal Data and Reporting by phone 03 8656 4807 or by email noel.hanssens@fwc.gov.au

[5] May not include applications that withdraw after conciliation