

## ✔ **Worksheet: Preparing for mediation – General protections dismissal**

You can print this worksheet and fill it out to help you prepare for your conciliation at the Fair Work Commission (the Commission).

Once you have filled it out, you can keep this worksheet with you during the conciliation and use it to help you remember important information.

Don't give the worksheet to the employer or the Commission. These notes are just for you.

Tick on each box as you go. Use the blank space to write notes.

### **1. Check the time and date of the mediation**

If you have a good reason why you will not be able to attend at that time, you should contact the Court straight away. Write any arrangements you need to make to be available at this time. For example:

Arrange child care

Arrange time off from work

### **3. Read your employer's response**

Use this space to write down notes about your employer's response to your application, including anything you believe is wrong or misleading.

## 4. Understand how the law applies to your case

### Read about general protections.

You should make sure you understand national laws and how they apply to you.

Read the materials on this website. Use this space to write down notes about how the law applies to your case. You could write down what general protection your employer has breached and how.

### Find out if you are owed any money

You should also find out whether you are owed any other money by your employer, such as:

- payments in lieu of notice
- underpaid wages
- leave payments or leave loading
- long service leave or other statutory entitlements
- redundancy payments (if your position was made redundant but you have made a general protections application because you think your employer breached laws about general protections by choosing you for redundancy).

To work out what you should have been paid and what you are owed, you should look at:

- Your employment contract
- Any award that covers you
- An enterprise agreement that covers you
- The National Employment Standards, in the Fair Work Act

You can find out what award covers you by searching on the [Fair Work Ombudsman](#) website or by calling the Fair Work Information Line on 131394

Use this space to write down notes about any other payments the employer owes you. It is possible to ask for these amounts to be included in any settlement agreement.

**Get advice on Centrelink and other payments**

Do you get:

- Centrelink benefits, or
- payments for a WorkCover claim?

Get advice on what will happen to these payments if your employer agrees to pay you compensation to settle the case.

### Get legal advice and arrange representation

Even if you are representing yourself, it is a good idea to get legal advice before you go to mediation.

You can talk to a lawyer about:

- the strength of your case
- what you might get if you went to hearing
- whether you are owed any other amounts of money.

If you want a lawyer to represent you at the mediation, you should arrange this now.

Use this space to write down notes about how the law affects your case.

### 5. Think about what you want to end the dispute

Think about what you want to ask for at the conciliation. Do you want:

- To get your job back (reinstatement)? or
- To be given a new job (redeployment)?

Use this space to write down some notes about how this could work.

- Do you think you should return to the same position or a new position?
- Do you want to be moved to another area or location at work?
- Do you want to work different hours?
- Do you want to be treated as if your employment had not stopped (so you will have continued to accrue leave and other entitlements)?
- Is this realistic in your situation?

Compensation (for lost wages and/or pain and suffering)?

Use this space to write down notes on the amount you are asking for.

- Compensation is usually described as a certain number of weeks wages.
- In general protections cases it is also possible to claim compensation for pain and suffering caused by the way your employer treated you when you used (or tried to use) your rights.
- Think about whether you would accept a lower amount to settle the case now rather than going to a hearing.

Reference or statement of service

Use this space to write down notes on what you would like to be written in a reference or a statement of service.

Any other amounts of money your employer owes you

At mediation you can ask for these amounts to be paid to you. This could be part of a settlement agreement. For help finding out if you are owed any money, see the materials on this website. If you need more help, you should get legal advice.

Use this space to write down any other amounts of money you want to ask for. For example:

- payments in lieu of notice
- underpaid wages
- leave payments or leave loading
- long service leave or other statutory entitlements.

Something else

Use this space to write down notes on anything else you want to ask for. For example:

- an agreement that you and your employer will not say bad things about each other
- an agreement that you will resign instead of being dismissed.

## 6. Organise your documents

Prepare a list of the documents you want to have available during the mediation. It is helpful to have the documents in order, for example date from earliest to most recent.

Some documents you should have are:

- your notes and/or a copy of this worksheet
- a copy of your application
- a copy of your employer's response
- your most recent usual pay slips
- Chronology (if you prepared one)
- letters or emails from your employer to you about your work performance and/or dismissal.