

## Form F2 – Unfair dismissal application

Fair Work Act 2009, s.394

This is an application to the Fair Work Commission (the Commission) for an unfair dismissal remedy under Part 3-2 of the Fair Work Act 2009.

### The Applicant (you)



These are your details. Please make sure you provide a telephone number for the conciliation conference.

<b>Title</b>	[ ] Mr [ ] Mrs [X] Ms [ ] Other please specify:		
<b>First name(s)</b>	Jane		
<b>Surname</b>	Smith		
<b>Postal address</b>	1 Lane Street		
<b>Suburb</b>	Melbourne		
<b>State or territory</b>	VIC	<b>Postcode</b>	3000
<b>Phone number</b>		<b>Fax number</b>	
<b>Mobile number</b>	0123 456 789		
<b>Email address</b>	j.smith@email.com		

**Note:** If you provide a mobile number the Commission may send reminders to you via SMS.

### Do you need an interpreter?



If you have trouble accessing this information, please contact us. We can arrange to provide it in another format. You can find information about [help for non-English speakers](#) on our website.

[ ] Yes – Specify language

[X] No

### Do you need any special assistance at the hearing or conference (eg a hearing loop)?

[ ] Yes – Please specify the assistance required

[X] No

**Do you have a representative?**



A representative is a person or organisation or paid agent, a union or a family member who represents you.

You don't have to have a representative. About half the people who come to the Commission don't have one. We have information and resources on our website to help you run your own case.

- Yes – Provide representative's details below  
 No

**Your representative**



These are the details of the person or organisation who is representing you (if any).

You can send us this information later if you don't know it yet or if you decide later you want to be represented

<b>Name of person</b>	N/A		
<b>Firm, union or company</b>			
<b>Postal address</b>			
<b>Suburb</b>			
<b>State or territory</b>		<b>Postcode</b>	
<b>Phone number</b>		<b>Fax number</b>	
<b>Email address</b>			
<b>Is your representative a lawyer or paid agent?</b>			
<input type="checkbox"/> Yes			
<input type="checkbox"/> No			

**The Respondent (the employer)**



These are the details of the employer that dismissed you.

You should provide the legal name of the employer. The legal name is **not** the trading name or business name of the employer. The employer will usually be a person or a company (with a name ending in Pty Ltd or Ltd), or in some instances a partnership, an incorporated association, or a public sector employer. Your pay slips, PAYG payment summary, appointment letter or employment contract should give the legal name of the employer.

Note that the Commission will send a copy of your application to the contact person you name below.

<b>Legal name of employer</b>	Working Company Pty Ltd
<b>Employer's ACN (if a company)</b>	123 456 789
<b>ABN</b>	

You can look for your employer's ABN or ACN on your pay slips or PAYG summary. You can also try searching the company name on [ABN Look up](#).

Contact person	Paula Jones
Postal address	100 The Avenue
Suburb	Melbourne
State or territory	VIC
Phone number	(03) 9876 5432
Email address	p.jones@theworking

The **contact person** is the person at the business we should speak to about your case. It could be the owner of the business, a manager or someone in HR.

Providing a contact name and direct contact details will help us move your case forward to the next stage. If you're not sure who the best person is, make your best suggestion. It can always be changed later.

## 1. Your employment

### 1.1 What date did you begin working for the employer?

12 May 2017

This is usually the first day you worked. If you're not sure what the exact date was, make your best guess.

The law protects employees from unfair dismissal who have worked for at least the 6-month minimum employment period before the dismissal (or 12 months if the employer has less than 15 employees)

### 1.2 Where did you work for the employer?

Primary workplace/worksite street address	
Suburb	Melbourne
State or Territory	VIC

If you worked at more than one location, choose the one you worked at most often. If your work involved mostly travel, put the address of the head office.

### 1.3 To the best of your knowledge, how many employees were employed at your workplace when you were dismissed?

- 1-14  
 15-49  
 50-99  
 100 or more  
 I don't know

### 1.4 What date were you notified of your dismissal?

16 June 2022

This is the date you were first told by your employer that you were being dismissed. This could have been by email, over the phone or in person.

### 1.5 What date did your dismissal take effect?

16 June 2022

This is usually the last day you worked. It might be later if you were still getting paid after you stopped going to work, for example, if you were on paid leave when you were dismissed.

**1.6 Are you making this application within 21 calendar days of your dismissal taking effect?**

Yes

No

If you answered **No** – Explain the reason for the delay, including any steps you have taken to dispute the dismissal or any other reason you think the Commission should take into account in considering whether to accept your application out of time.

The Commission will provide a copy of all completed applications to the employer, even if it is out of time. This **does not** mean the application has been *accepted*. Only a Commission Member can decide whether to accept your application out of time, after they complete a formal review.

**1.7 Have you made another claim to the Commission or to any other organisation regarding your dismissal (e.g. a general protections application)?**



The Commission cannot consider your unfair dismissal application if you have made another claim in relation to the dismissal, for example if you have made a general protections application in relation to the dismissal or a complaint to the Human Rights Commission in relation to the dismissal. If you answer yes to this question, you will need to decide which claim is the most appropriate one. If you are unsure which is the best option for you, read the **where to get help** section in the cover sheet of this form.

Yes

No

## 2. Remedy

**2.1 What outcome are you seeking by lodging this application?**

Compensation for losing my job

Separation certificate

Statement of service

Typical settlements can include one or more of the following:

- Reinstatement (the employee gets their job back)
- monetary settlement
- a statement of service (stating how long the employee worked for the employer and what they did) or a reference
- payment of owed entitlements
- an apology
- the dismissal being treated as a resignation
- a non-disparagement agreement (where neither party can bad-mouth the other)
- anything else agreed to by the parties.

### 3. Dismissal

#### 3.1 What were the reasons for the dismissal, if any, given by the employer?



Using numbered paragraphs, specify the reason(s), if any, **given by the employer** for your dismissal. Attach any letter of dismissal and/or separation certificate given to you by the employer. Note that the Commission will send copies of any documents you provide to the employer. Attach extra pages if necessary.

1. Paula told me that I had been late to work too many times.
2. She said it showed that I didn't care about the job.
3. She said it would be easier for everyone if I just quit.
4. She said if I quit then and there, she would still give me a reference.
5. I said I couldn't quit because I had bills to pay, but she fired me anyway and told me to go home.

#### 3.2 Why was the dismissal unfair?



Using numbered paragraphs, describe the **relevant facts and circumstances** and specify **why you say the dismissal was unfair**. This should include:

- your response to any reasons for dismissal given by the employer
- whether you were counselled or warned by the employer of any deficiencies in your performance or conduct and the circumstances of each counselling session or warning
- why you believe the dismissal was unfair.

1. I was only late a handful of times and other people are late all the time.
2. They never warned me that it was a serious problem that they would fire me for.
3. If I had have known they would fire me, I would have done something to change it.
4. It was unfair because they didn't give me a warning or a chance to improve. I have bills to pay and was not expecting to lose my job.
5. It's also unfair that I was fired for being late but other people weren't.

Attach additional pages if necessary.

### **Disclosure of information**

The Commission will provide a copy of this application and any attachments to the other parties in this matter. This includes:

- the employer
- any legal representatives.

### **Consent to contact by researchers**

The Commission undertakes research with participants in unfair dismissal matters to ensure a high quality process. Some research may be undertaken by external providers.

Do you consent to the contact details provided on page 1 of this form being provided to an external provider of research services for the sole purpose of inviting you to participate in this research?

Yes

No

## Signature



If you are completing this form electronically and you do not have an electronic signature you can attach, it is sufficient to type your name in the signature field. You must still complete all the fields below.

<b>Signature</b>	Jane Smith
<b>Name</b>	Jane Smith
<b>Capacity/Position</b>	
<b>Date</b>	30 June 2022

If you have completed and signed the form yourself, leave the Capacity/Position field blank.

If someone else has filled in the form for you, their signature and name goes in this section. Their **capacity** or **position** is the relationship they have to you. For example, your lawyer, union representative, parent or guardian.



If you are not the Applicant and are completing and signing this form on the Applicant's behalf, include an explanation of your capacity to do so in the Capacity/Position section above.

**PLEASE RETAIN A COPY OF THIS FORM FOR YOUR OWN RECORDS**