

UNFAIR DISMISSAL (EMPLOYEE)

If you believe that you have been unfairly dismissed, you may be eligible to file an unfair dismissal application with the Fair Work Commission seeking monetary compensation and/or a reinstatement to your position.

The time limit for filing of an unfair dismissal application is strict. You only have **21 days** from the date of the dismissal took effect to file the application. The Fair Work Commission is strict about the time limit so you must act quickly.

1 The Process

- 1.1 Contact us and organise a **15-minute free phone call** with one of our lawyers. We will check your eligibility to file an unfair dismissal application and briefly discuss your situation. We will advise you whether we can take on your matter and you can decide if you wish to instruct us. This is an obligation free phone call.
- 1.2 If you instruct us, we will review your documents and correspondence, and if necessary, organise another conference to take your instructions.
- 1.3 We then prepare your unfair dismissal application and file it with the Fair Work Commission.
- 1.4 Your former employer will file a response to your application.
- 1.5 The Fair Work Commission arranges a conciliation conference by phone. This is an opportunity for you and your former employer to attempt to reach an agreement about your claim with the assistance of us, the employer's legal representative (if any) and the conciliator from the Fair Work Commission.
- 1.6 If a settlement is reached, the Terms of Settlement will be reviewed by us and signed by you.

2 Our Fees

- 2.1 We offer you two choices in relation to payment of our fees up to and including the conciliation conference, and if your matter settles, finalisation of the Terms of Settlement:

partnering with people since 1946



We have Accredited Specialists in
Property Law and Wills & Estates

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Paula Roberts
Bailey Dunleavy

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64 676 843 888

Liability limited by a
scheme approved under
Professional Standards
Legislation

PHONE
02 4324 1266

EMAIL
info@penmans.com.au

- A fixed fee of **\$2,200** (inclusive of GST) paid into our trust account at the time you instruct us (after your obligation free telephone appointment); or
- If you would prefer to pay us from the proceeds of any settlement you receive then a fixed fee of **\$2,750** (inclusive of GST). We will ask you to sign an authority for the proceeds of any settlement you receive to be paid into our trust account, and we will deduct our fees from the settlement and pay the balance to you. If your matter does not settle at the conciliation conference, then our fixed fee of \$2,750 is payable within 14 days of the conciliation conference.

2.2 In addition to our fees, the Fair Work Commission charges a filing fee which is currently **\$87.20**, and we will need this fee from you at the time of filing your application.

2.3 Most matters settle at the conciliation conference but if a settlement cannot be reached, we will discuss the next steps with you and can continue to act if your matter is listed for hearing before the Fair Work Commission. We will charge for this work at hourly rates and will provide with you an estimate of those fees.

3 Our Points of Difference

3.1 We offer you an initial 15-minute free phone call to give you initial advice and help you decide what to do next. If you decide not to proceed with an application, you will not be charged.

3.2 We charge a fixed fee up to the end of the conciliation conference so you know how much it will cost you.

3.3 Unlike 'paid agents' we are lawyers with legal experience and qualifications. Bailey Dunleavy has acted in respect of many unfair dismissal matters and has more than 10 years of experience as a lawyer. Our legal knowledge and experience will take the stress out of the process.

3.4 We will facilitate the conciliation conference at our office.

Next Steps

Please fill in our [contact form](#) and include in the comments that you may have an unfair dismissal matter and a member of our disputes team will be in contact with you to arrange your 15-minute phone appointment.

Alternatively, please call our receptionist on 4324 1266.

Remember that the time frames are strict, and you need to act quickly.

The information you obtain at this site is not, nor is it intended to be, legal advice. You should consult a Solicitor for individual advice regarding your own situation. Liability limited by a scheme approved under Professional Standards Legislation.