



# Fair Work Commission Unfair Dismissal Client Service Survey

Report of top-line findings

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# Key findings

# Key findings – Applicants

## Applying



**77%**

said ease of lodging the application form was good or very good

## Staff Conciliation



**80%**

felt it was well managed and run efficiently

**76%**

felt the staff conciliator was even-handed, independent and impartial

## Arbitration



**66%**

felt the Member was even-handed, independent and impartial

**70%**

felt adequately or well-prepared for their proceedings (hearing or conference)

## Overall Satisfaction



**74%**

**Satisfied with service provided**

**78%**

**Satisfied with timeliness**

# Key findings – Respondents

## Responding to application\*



**91%**

agreed that the F3 captures the relevant information needed

## Staff Conciliation\*\*



**87%**

felt it was well managed and run efficiently

**82%**

felt the staff conciliator was even-handed, independent and impartial

## Arbitration\*\*



**74%**

felt the Member was even-handed, independent and impartial

**3%**

felt under-prepared for their hearing

## Overall Satisfaction\*



**88%**

Satisfied with service provided

**89%**

Satisfied with timeliness

\* Inclusive of Inexperienced and Experienced Respondents

\*\* Inexperienced Respondents only

# Key findings – Representatives

## Application form



**87%**

agreed that the F2 captures the relevant information needed to understand the claim

## Staff Conciliation



**85%**

felt staff conciliations are well managed and run efficiently

**76%**

felt staff conciliators are often or always even-handed, independent and impartial

## Arbitration



**68%**

felt that Members are often or always even-handed, independent and impartial

**77%**

felt they had always or often been given reasonable opportunity to argue their case

## Overall Satisfaction

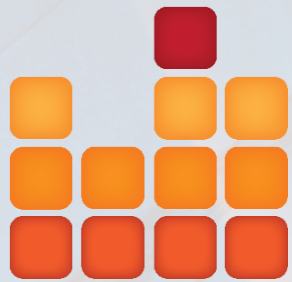


**92%**

**Satisfied with service provided**

**90%**

**Satisfied with timeliness**



# Background and survey objectives

# Purpose of the Client Service Survey and this report

The key objective of the client service survey was to produce statistically robust data that measures the experiences and satisfaction of applicants, respondents, and representatives to unfair dismissal matters.

More specifically, the objectives were to:

- Provide current, valid information about how parties experience unfair dismissal case management processes;
- Help identify how processes, procedures and information resources can be improved to better meet the needs of unfair dismissal parties; and
- Enable monitoring and measurement of the impact of procedural and other changes implemented over time.

This report provides top-line findings for the range of services and client experiences that were covered in the 2017-18 survey.

Further analysis of the survey data will provide rich insights about how the Commission can best meet the needs of parties, taking account of different characteristics, capabilities and expectations. Data from the 2017-18 survey could also be compared to results from the conciliation survey research carried out in 2010 for benchmarking and monitoring purposes.



# How to use this report: Definitions

## Definitions used in the survey and this report

Types of clients (see also page 12)

**Applicants:** employees who have made an unfair dismissal application

**Respondents:** employers who have responded to an unfair dismissal application, including:

- **Inexperienced** respondents who had been involved in no more than 2 matters in the preceding 12 months; and
- **Experienced** respondents who have been involved in 3 or more matters in the preceding 12 months

**Representatives:** lawyers and other agents who have represented applicants and/or respondents in unfair dismissal matters

Forms

**F2:** Unfair Dismissal application form

**F3:** Employer's response to application for unfair dismissal remedy form

Types of events/proceedings

**Staff Conciliation:** a conference that is conducted by specialist staff conciliators as a way to resolve the matter before it progresses to more formal processes.

**Programming event:** a type of proceeding that is held to program the matter and make decisions about procedural issues. It is often referred to as a Mention, Directions conference or Pre-hearing conference.

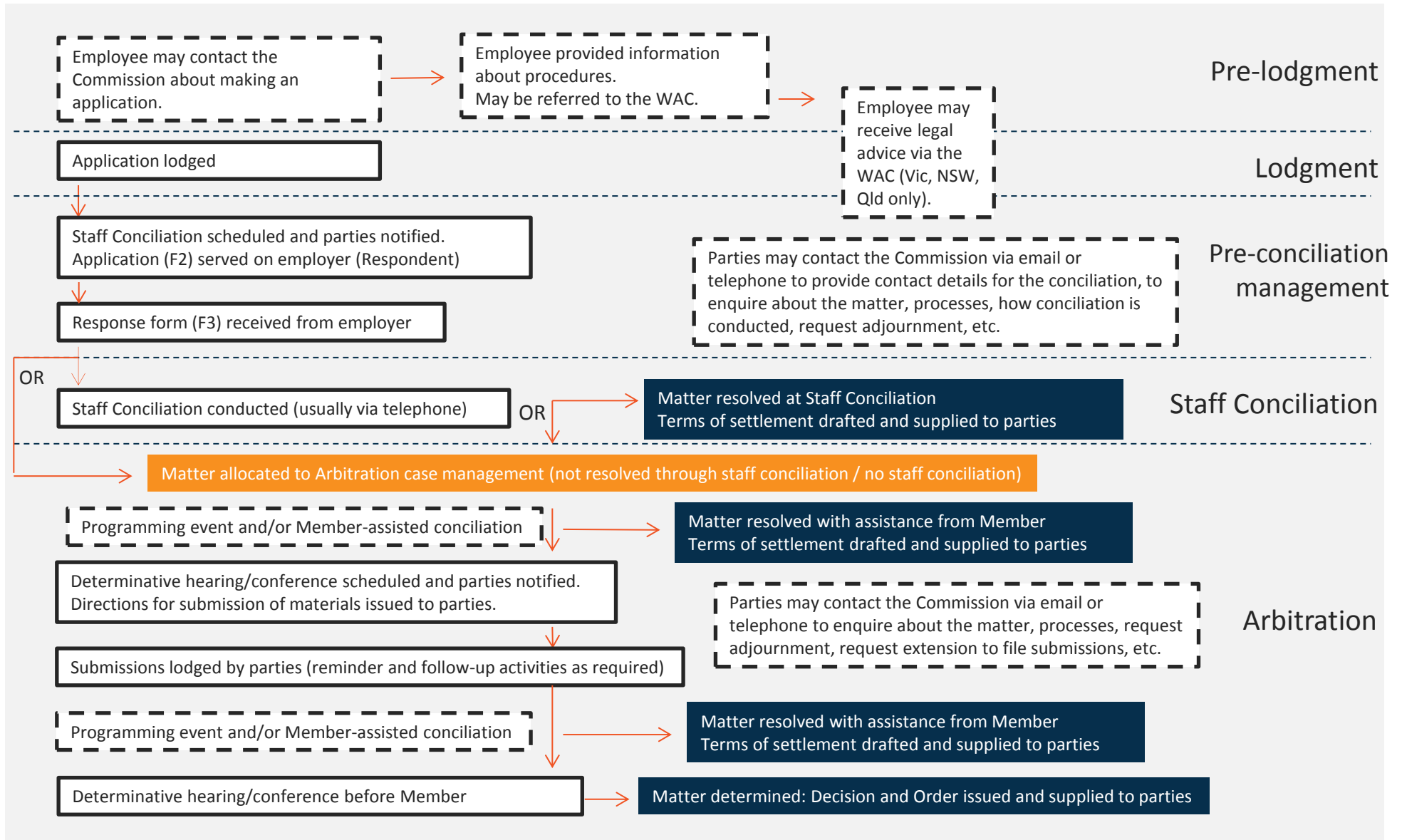
**Member-assisted conciliation/mediation event:** a type of event that is held by a Member of the Commission to help mediate or conciliate a confidential resolution to the matter before the matter is heard and decided by the Commission.

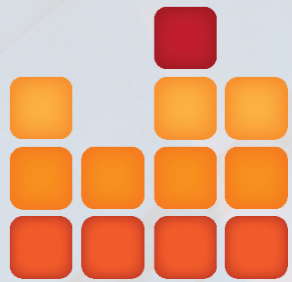
**Determinative hearing/conference:** an event that is held for the purpose of hearing evidence to enable a Commission Member to determine whether an applicant is eligible to seek a remedy for unfair dismissal and/or whether the dismissal was unfair

Types of assistance

**Workplace Advice Clinic (WAC):** Service co-ordinated by the Commission to enable unrepresented parties to access free legal advice.

# How to use this report: process flowchart





# Survey participant profile

# Survey sample

The survey covered three types of clients



**Applicants:** employees who had made an unfair dismissal application



**Respondents:** employers who have responded to an unfair dismissal application, including:

- **Experienced** individuals involved in 3 or more matters in the past 12 months (these were often routed through the 'Representatives parts of the survey); and
- **Inexperienced** individuals who had been involved in no more than 2 matters in the past 12 months



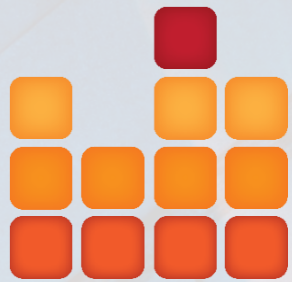
**Representatives**

Lawyers and other agents who have represented an applicant or respondent in an unfair dismissal matter

Client type	Completions (n)
Applicants	1,210
Respondents	1,216
- Inexperienced	987
- Experienced	229
Representatives	339
Total for all client types	2,765



*Note: The colours presented above are used throughout the report to represent the 3 client types*

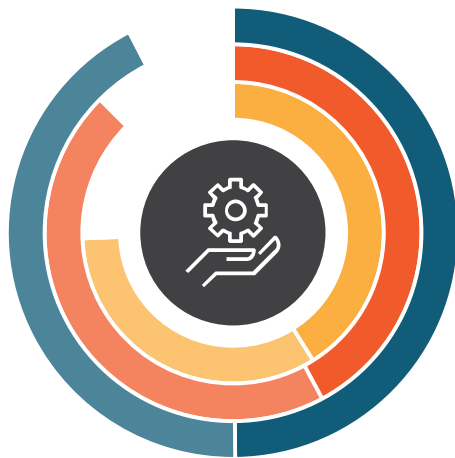


# Overall satisfaction

# Overall satisfaction with service provided

Overall satisfaction with the service provided by the Commission is relatively high among all client types. Opportunities exist to further improve satisfaction levels, particularly among Applicants.

## Satisfaction with Service Provided



Applicants Respondents

74% 88%

Representatives

92%

NET: Satisfied

- “ I was very grateful of the clear instructions both on website information and phone call help. Thank you.
- “ [I] was very satisfied with the clarity of explanations and discussions. All staff I dealt with were respectful and professional.
- “ The continuous improvement processes seem to incrementally inform and improve processes, documentation and ease of access to the Commission. I do find the website still clunky ...but overall extremely happy with this valuable service.

### Potential enablers for improved experiences and higher satisfaction

- “ Trying to find someone to enforce that order, or explain, help, or navigate throughout the process.
- “ In forms provided to employers perhaps the addition of a tips page covering do's & don'ts
- “ An individual case manager

K3: To what extent were you satisfied or dissatisfied with the **service** provided?  
Base: Applicants (n=1,210) Respondents: (n=1,216) Representatives: (n=339)

# Key satisfaction results – timeliness

Satisfaction is relatively high among all client types, particularly Representatives and Respondents. Opportunities exist to further improve satisfaction among Applicants, such as through more efficient processing of applications and/or expectation management.

## Timeliness



Applicants Respondents

78% 89%

Representatives

90%

NET: Satisfied

“ I would expect more time to be allowed for preparation of documents. Especially for a layperson trying to learn as they go about the process.

“ I was satisfied with the Commissioners service, it was clear, precise and completed in a very timely manner.

“ I was satisfied with the way the proceedings went in this matter. Whilst it took some time for the Applicant to come to a position... it was appropriate that the Conciliator provided that time to her albeit, we wished it was shorter, this will not always be possible. I believe the conciliator did everything she could to ensure the matter was resolved.

### Potential enablers for better experiences and higher satisfaction

“ Having more time to consider the resolution (Conciliation)

“ I understand the process and respect the process... [but] the time that it takes is way, way too long and has an extraordinary impact on a small business. I understand employees want to have 'their day in court' but there should have been stronger emphasis for conciliation.

“ A triage at the stage of review on papers when the application is responded to, for claims that don't have merit.

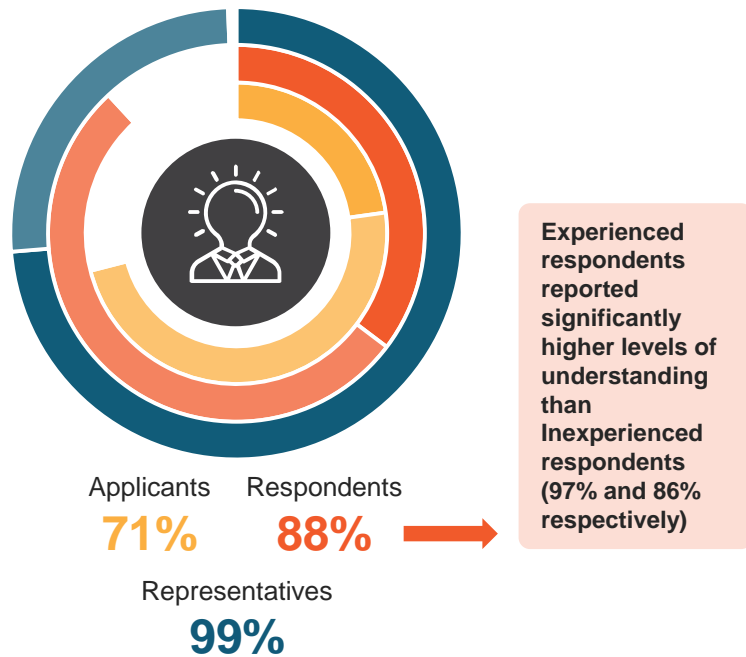
K2: How satisfied or dissatisfied were you with the **timeliness** of the Commission's case management process?

Base: Applicants (n=1,210) Respondents: (n=1,216) Representatives: (n=339)

# Key indicators of satisfaction – understanding

Almost all Representatives and most Respondents reported having at least an adequate level of understanding of the Commission’s processes and procedures. Opportunities exist to further support Applicants in understanding the process and procedures, particularly self-represented parties.

## Understanding of process & procedure



NET: Thorough/Adequate level of understanding

- “ Knowing what I know now, I would say that the Commission does a pretty good job of it, but, back then, I was really discovering the process as I went
- “ The Commission is effective in ensuring the process is easy to understand and follow. This is important as it allows the applicant to self-represent and also assists them in understanding the decision made by the respondent.
- “ The application process was easy to understand and complete and the conciliation meeting was facilitated by the commission fairly for all parties

### Potential enablers for better experiences and higher satisfaction

- “ There are too many places to find info - it's confusing. And reading online & talking with staff, the process seemed supportive & helpful. That's not what I experienced. ...I was unexpectedly unprepared & not supported.
- “ I found it difficult to provide the correct format and level of detail required for my application, witness statement, case overview and evidence.
- “ Keeping communication clear. Ensuring parties understand expectations of process, timeframes and the role of the Commission.

K1: Which of the following best describes your level of **understanding** of the Commission's Unfair dismissal case management processes and procedures: Comprehensive; Adequate; Limited; No idea?  
 Base: Applicants (n=1,210) Respondents: (n=1,216) Representatives: (n=339)



# Key indicators of overall satisfaction with service provided

The key indicators of satisfaction are relatively high. They are notably higher among Respondents and Representatives than Applicants. Opportunities exist to improve consistency of experience among frequent users and to improve case management experiences for first-time and other infrequent users.

## Even-handedness and impartiality of the Commission



Applicants Respondents

**70%** **80%**

Representatives

**80%**

NET: Agree

## Satisfaction with How Matter(s) Managed



Applicants Respondents

**67%** **79%**

Representatives

**78%**

NET: Satisfied

C1a: Overall, how much do you agree or disagree that the Commission was even-handed and impartial in the way it managed the matter

C1b: Overall, how satisfied or dissatisfied were you with the way the Commission managed the matter?

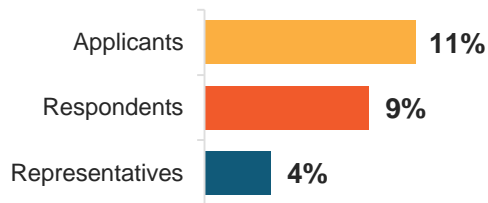
Base: Applicants (n=1,210) Respondents: (n=1,216) Representatives: (n=339)

# Suggested improvements to increase satisfaction with service provided

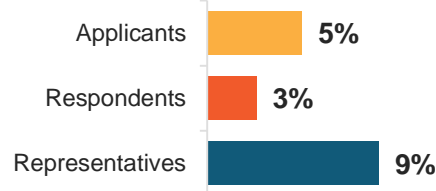
A range of ideas and suggestions were provided by survey participants, with no one stand-out service improvement. Different types of clients suggested various service provision improvements.



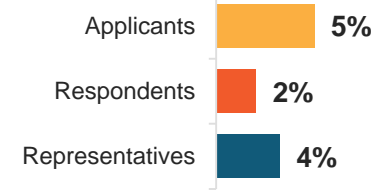
## Greater support and simpler processes for self-represented parties



## More consideration of parties' circumstances and exceptional circumstances



## Better communication from staff / case management follow up



*More support, like more understanding, rather than spend \$20,000 on a lawyer, be supported when you don't have a lot of money to do that.*



*More personalised information- every case is different so it's difficult to totally understand if it was worthwhile going ahead or not.*



*Taking the time to speak to you rather than just directing you to a website.*



*Improve education and guidance on the process, as well as streamline outcomes where the applicant seeks a simple outcome such as the ability to resign rather than be terminated*



*Court listings should take into account travel and availability of employers to attend. ..Costs associated with unnecessary travel erode funds available to settle unfair dismissal and dispute matters.*



*Communication; by phone, by speaking to somebody. We had no contact from anyone until the conciliation. I was left up in the air as to how to manage all of this. It was a bit daunting.*

K4: How could the Commission's services be improved so that you would have been more satisfied?

A1c:

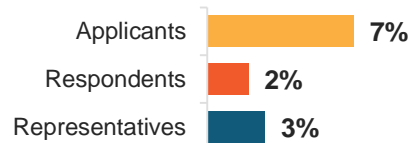
Base: Applicants (n=751) Respondents: (n=718) Representatives: (n=170)

# Suggested improvements to increase satisfaction with service provided

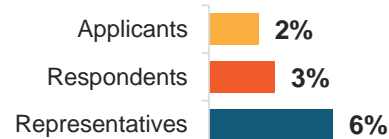
Again, different cohorts tended to suggest different improvements



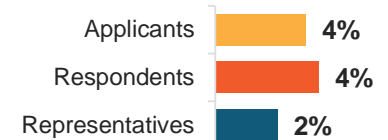
## Quicker arbitration process / fewer delays and extensions



## Greater consistency during the process



## More proactive and inquisitive process



*I didn't understand all of my rights, what I could ask for, what I couldn't. It was a drawn out process. They were allowed to keep delaying things, and it seemed out of my hands at times.*



*They could've taken steps to inform me about everything. They didn't take steps to ensure I was communicated with directly.*



*If something is not covered by law, the applicant should be notified immediately...If I had known I wouldn't have wasted my time on the matter*



*More transparent process. I've had matters where they won't allow you to talk and it is just not procedurally fair.*

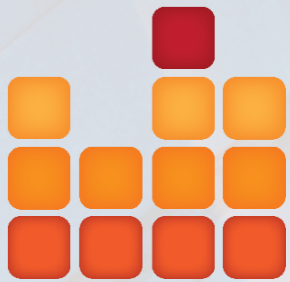


*I think that one of the things I would change is just the consistency, it seems like you get a different approach depending on the conciliator you get or the person you speak to at the registry office*



*When clearly inadequate information is provided by applicants, action should be taken to require the applicant provide further info before the response is required from the employer.*

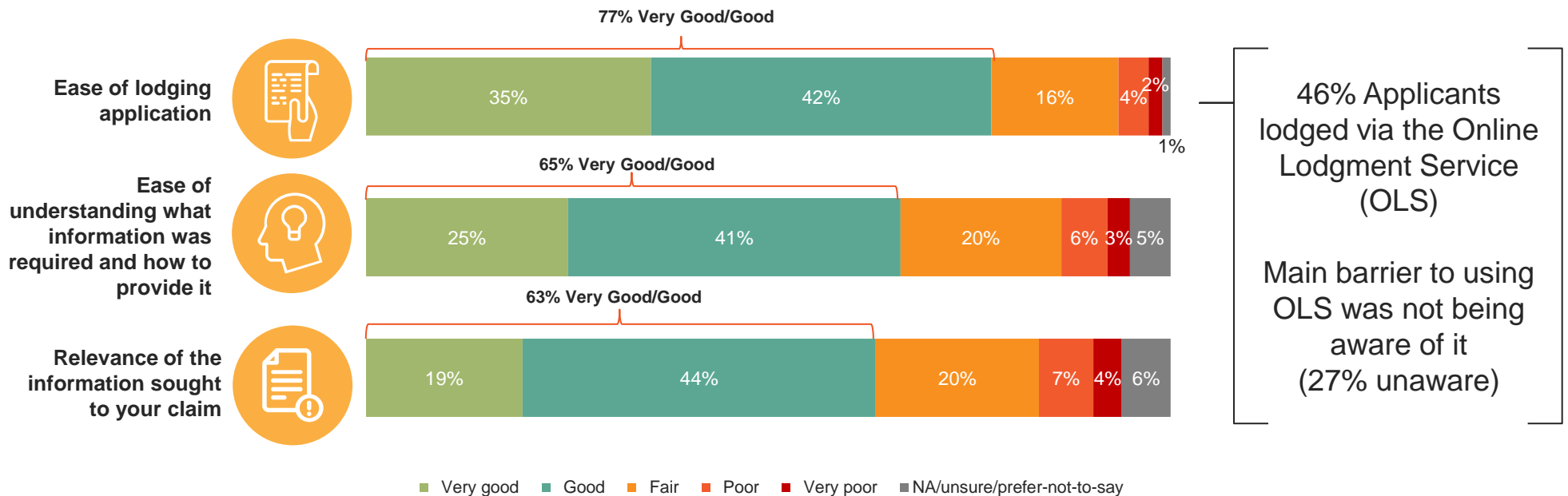
K4: How could the Commission's services be improved so that you would have been more satisfied?  
Base: Applicants (n=751) Respondents: (n=718) Representatives: (n=170)



# Feedback about application process

# Applicant feedback on lodgement and application form

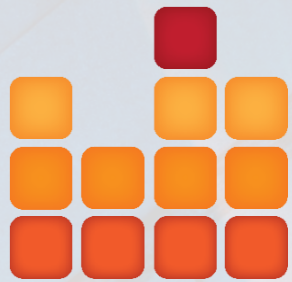
Many applicants have reported a positive application experience. Opportunities exist to clarify what information is required, how to provide it and why it is needed.



D11: How would you rate the following aspects of the application process? Weighted Base: Applicants (n=1,210)

D9: How did you lodge your application? Weighted Base: Applicants (n=1,210)

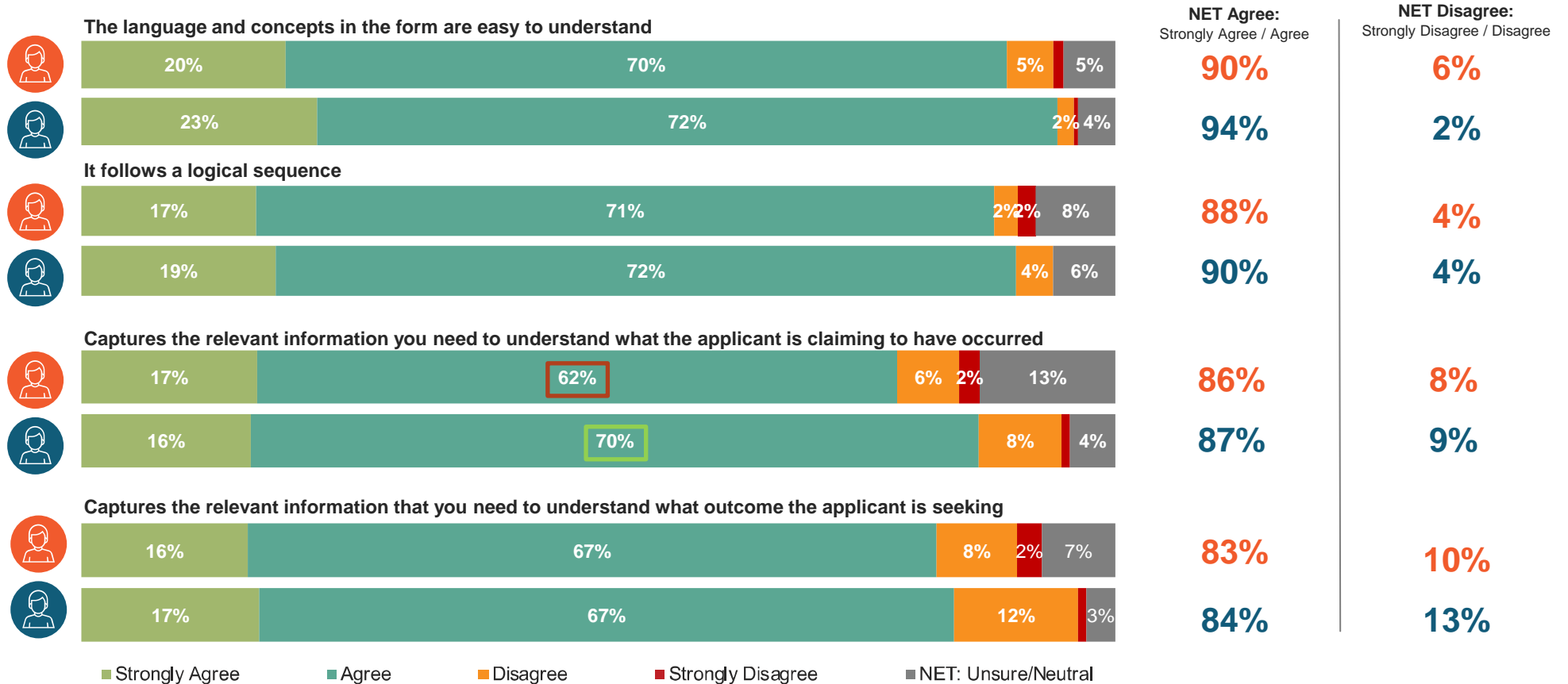
D10: The Commission offers an Online Lodgment Service (OLS portal via the Commission's website) to lodge applications. What are the reasons why you didn't use the Online Lodgment Service? Weighted Base: Applicants (n=279)



# Feedback about responding to an application

# F2–Respondent and Representative feedback

Respondents and Representatives were generally positive about the F2–Application form for their purposes

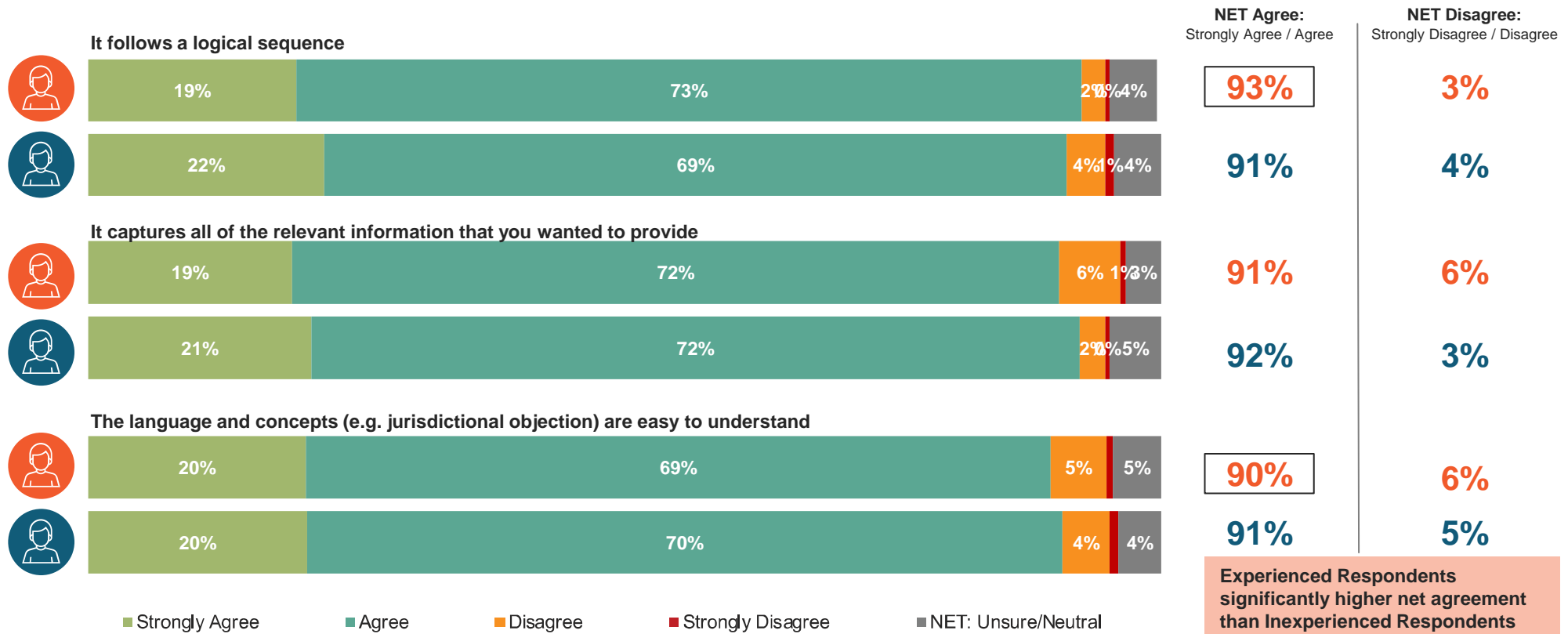


E6: Thinking about the application form that you/the business received and respond to; how strongly do you agree or disagree with the following statements about the F2–application form?  
 Base: Respondents (n=971) Representatives (n=250)

Statistically Significant

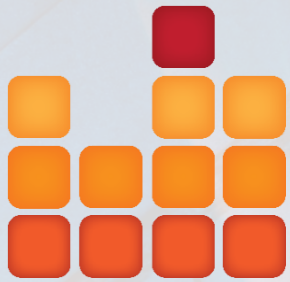
# F3–Respondent and Rep feedback

Respondents and Representatives are generally very positive about the F3 –Response form. Experienced respondents were significantly more positive than Inexperienced Respondents in relation to the sequence (96% and 92% respectively) and the ease of understanding the language and concepts in the form (94% and 88% respectively).



E7: Thinking now about the response form that is lodged in response to the application...How strongly do you agree or disagree with the following statements about the F3–response form?  
 Base: Respondents: (n=1075) Representatives: (n=250)

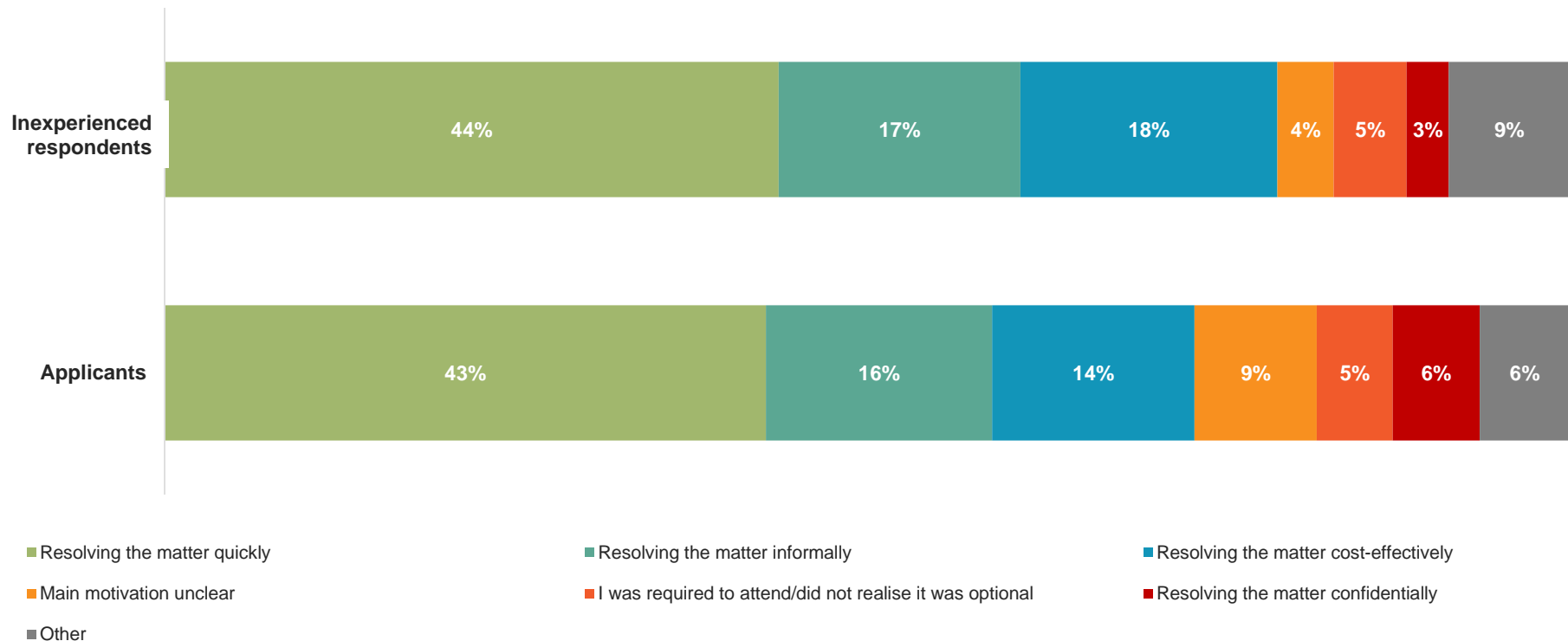




# Feedback on Staff Conciliation process

# Main motivation for participating in staff conciliation

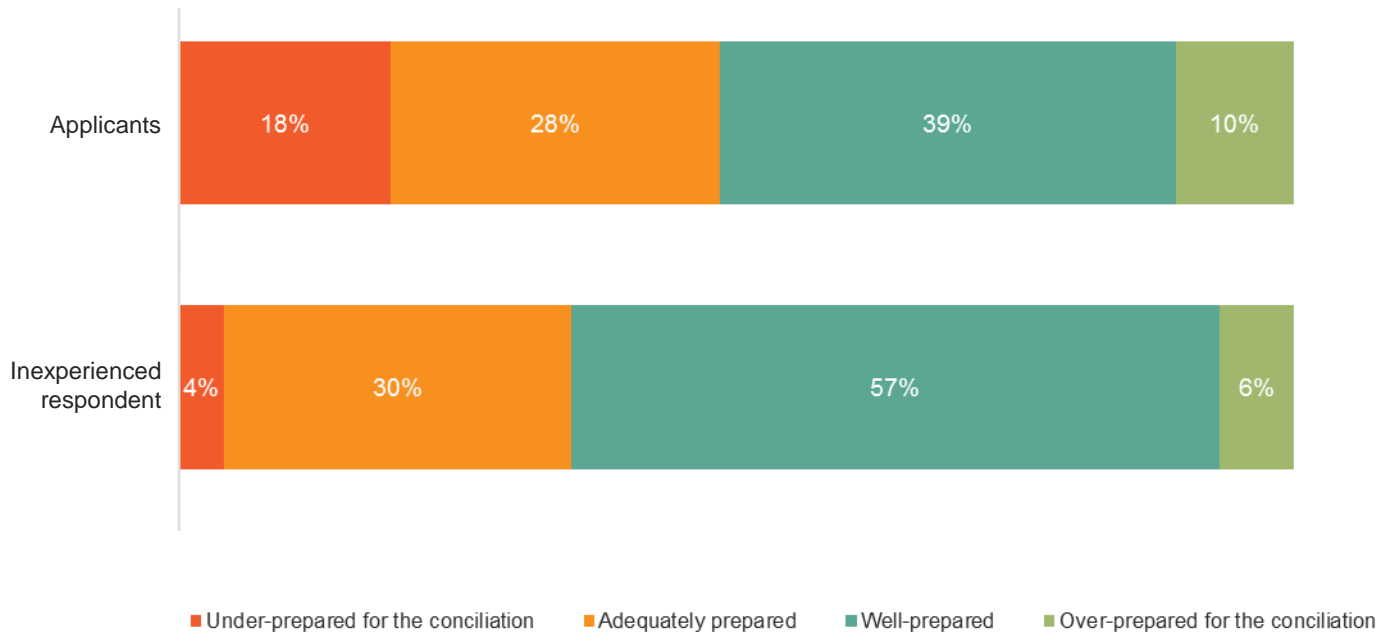
Resolving the matter quickly was the most commonly reported main motivation for participating in staff conciliation among both Applicants and Inexperienced Respondents.



F4: Thinking now about the conciliation that was held; what was your main motivation for participating in the conciliation process?  
Base: Applicants (n=1,053) Respondents (n=829)

# Feedback on staff conciliation: level of preparedness

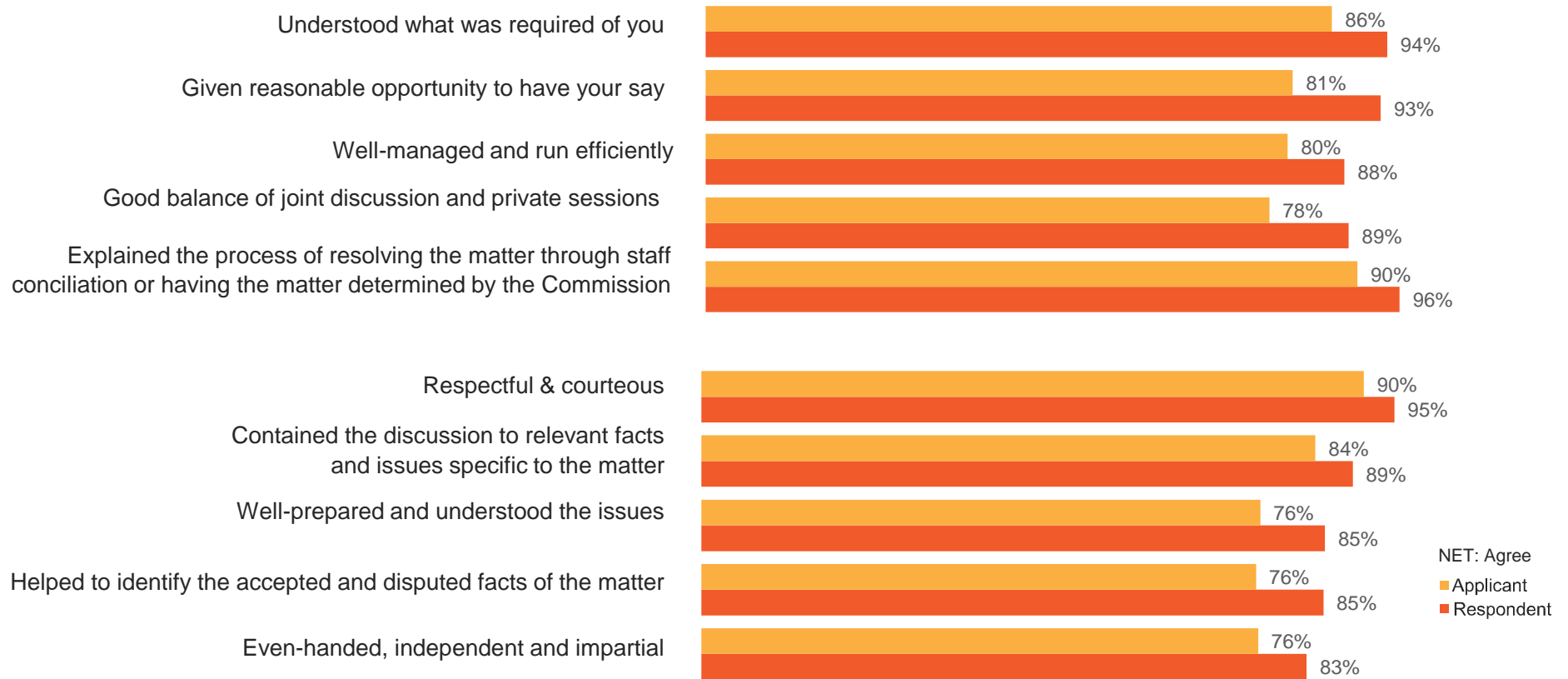
Most Applicants and Inexperienced Respondents felt adequately or well prepared for the staff conciliation they attended. A small proportion felt they were over-prepared. Opportunities exist to help set and manage expectations for the session and provide self-help tools and resources to enable parties to prepare appropriately.



F12: Considering the amount of effort and resources you invested into preparing for the conciliation with how the session was conducted and the outcome; would you say that you were...? Base: Applicants (n=788) Inexperienced Respondents (n=652)

# Applicant and Inexperienced Respondent feedback on conduct of the staff conciliation

Participants were generally positive about their experience of staff conciliation. The Inexperienced Respondents were more positive than Applicants on all measures.



F7: Now thinking about the conduct of the conciliation, please indicate how strongly you agree or disagree with the following statements about how the session was conducted.  
 Base: Applicants (n=1,053) Respondents (n=829)

# Experienced Respondents and Representatives feedback on their experiences of how of staff conciliations are conducted

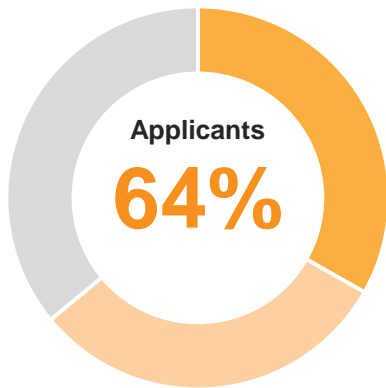
Experienced Respondents and Representatives were similarly positive about the consistency of their experiences on all measures of how staff conciliations are conducted.



F7: Now thinking about the conduct of the conciliation, please indicate how strongly you agree or disagree with the following statements about how the session was conducted.  
 Base: Applicants (n=1,053) Respondents (n=829)

# Applicants feedback on whether staff conciliation was a worthwhile process

Almost two-thirds of Applicants agreed that staff conciliation was a worthwhile process. Opportunities exist to improve the experience, notably in assisting Applicants to prepare.



NET: Agree it was a worthwhile process

- “ I was very happy with the process, maybe not the end product, but that was not the commissions fault
- “ I was satisfied with the Commission's services and knowledge, he (the Conciliator) remained impartial and this helped get through the details without too much emotion which was greatly appreciated
- “ My conciliator was very professional and gave me as much information and help to get through a very stressful and upsetting time.
- “ Process went smoothly and an agreement was made. Money saved on taking things further.

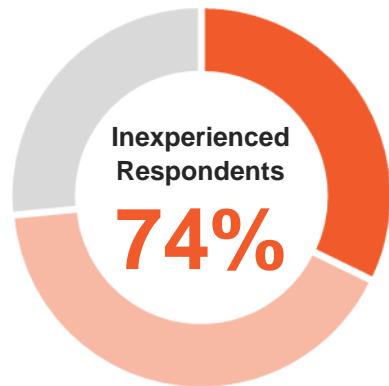
## Potential enablers for better experiences at staff conciliations

- “ Advice about how many paid weeks can be claimed as a result of the unfair dismissal.
- “ Have a chat before the actual conciliation because it was rushed at the time, and we had limited time.  
I had little idea of how much I was able to speak at the conciliation, what was allowable or relevant.
- “ I wasn't clear what was going to happen in the phone call...and I could have been better prepared e.g. having written down how much my weekly pay was etc.
- “ Offer more help to the complainant in the preparation, or lead up to conciliation. I felt steamrolled by the lawyer of the business that I was making the claim against. They naturally have the skills that I don't.

F11: Weighing up your conciliation experience, how strongly do you agree or disagree that conciliation was a worthwhile process? Base: (n=1,053) Respondents (n=829)

# Inexperienced Respondent feedback on staff conciliation: whether it was a worthwhile process

Almost three-quarters of Inexperienced Respondents agreed that staff conciliation was a worthwhile process.



NET: Agree it was a worthwhile process

- “ I was very satisfied with the Commission's service.
- “ I think the Commission was very fair and very understanding to both sides in the case. I was satisfied with how it was handled and I am very confident in the work the Commission does for our industry.
- “ Based on my previous experiences I believe the commission has improved in its processes.

## Enablers for better experiences at staff conciliations:

- “ We didn't have all the information from the applicant [prior to the staff conciliation].
- “ If possible, ensure the applicant has a clear outline of what they want as a result of the conciliation before initiating the meeting. Applications that are generic can extend the meeting out.
- “ Keeping communication clear. Ensuring parties understand expectations of process, timeframes and the role of the Commission

F11: Weighing up your conciliation experience, how strongly do you agree or disagree that conciliation was a worthwhile process? Base: (n=1,053) Respondents (n=829)



# Feedback about Arbitration experiences



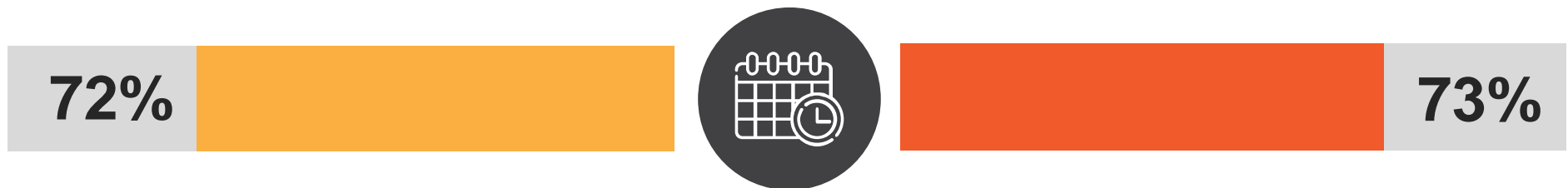
# Consideration of parties' capability and availability

Positive feedback on timetabling considerations. Greater consideration for capability and experience of self-represented Applicants and Inexperienced Respondents would be beneficial

Agreement that level of experience and capability taken into account in deciding how to hear the matter: Self-represented Applicants and Inexperienced Respondents



Agreement that needs and availability taken into account when setting the timetable for the matter



Applicant

NET: Agree

Inexperienced Respondent

G20: How strongly do you agree or disagree that your level of experience and capability were taken into account by the Commission in deciding how to hear the matter (i.e. selecting more formal or informal processes).

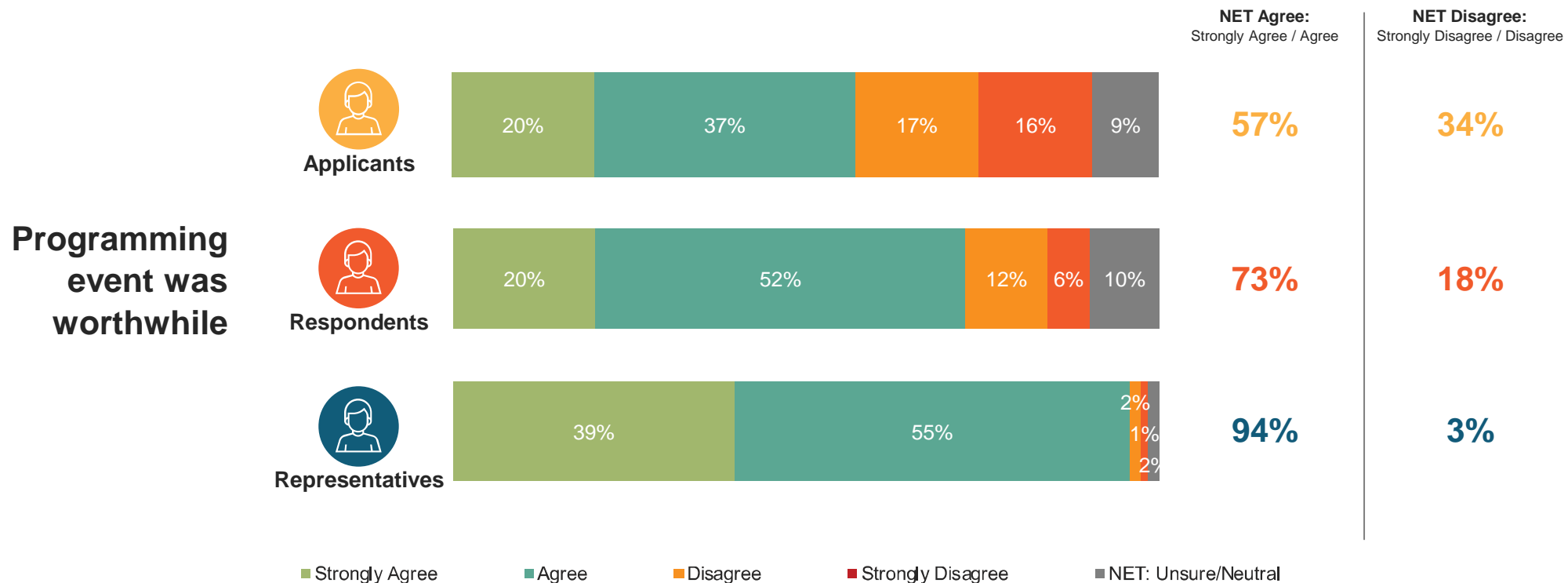
Base: Applicants (n=130) Respondents (n=101)

G21: How strongly do you agree or disagree that your needs and availability were taken into account by the Commission in setting the timetable for the matter/s (i.e. setting deadlines to submit materials and dates to hold events)?

Base: Applicants (n=317) Respondents (n=175)

# Feedback about whether Programming event was worthwhile

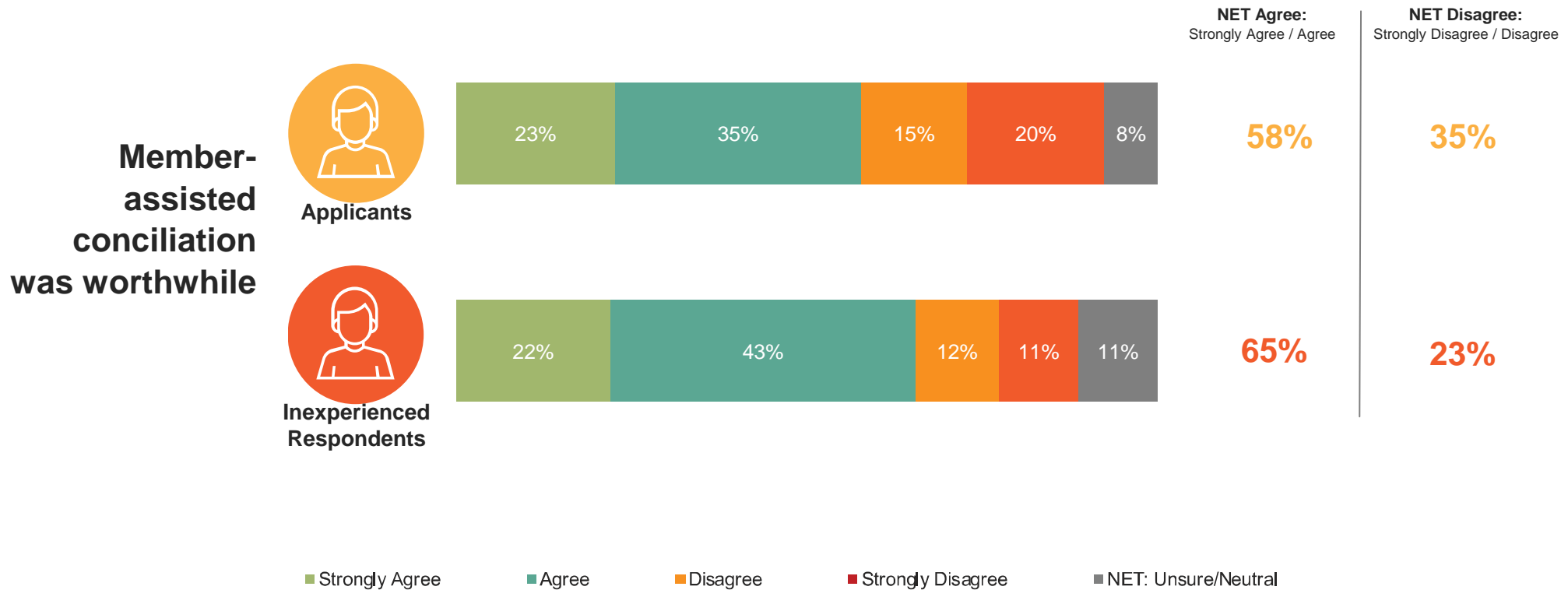
More than half of Applicants and three-quarters of Respondents agreed that the programming event(s) they had attended were worthwhile. Opportunities exist to improve communications about these types of events so that parties, particularly Applicants, better understand their purpose and get more out of the experience.



G7: How strongly do you agree or disagree that [the programming event] was a worthwhile event in the case management process? Base: Applicants (n=149) Respondents (n=177) Representatives (n=191)

# Feedback about whether Member-assisted conciliation was worthwhile

More than half of Applicants and almost two-thirds of Inexperienced Respondents agreed that the Member-assisted conciliation they participated in was worthwhile. Opportunities exist to further explore how and when conciliations are conducted during the 'arbitration' phase of the process.



G9: Weighing up your experience of the Member-assisted conciliation, including how it was conducted and the timing of it; how strongly do you agree or disagree that it was a worthwhile process?

Base: Applicants (n=225) Respondents (n=167)

# Applicant and Inexperienced Respondent levels of preparedness for determinative hearing/conference

Over two-thirds of Applicants and almost all Inexperienced Respondents indicated they were at least adequately prepared for their (substantive) hearing/determinative conference. Opportunities exist to assist Applicants to understand hearing in advance of substantive proceedings.

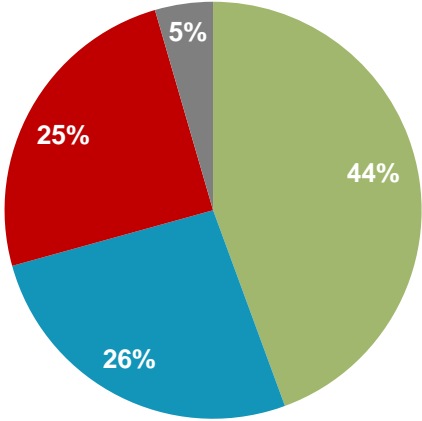


*I was largely satisfied. Would have been great if access to support services independent to the Commission was made more accessible.*

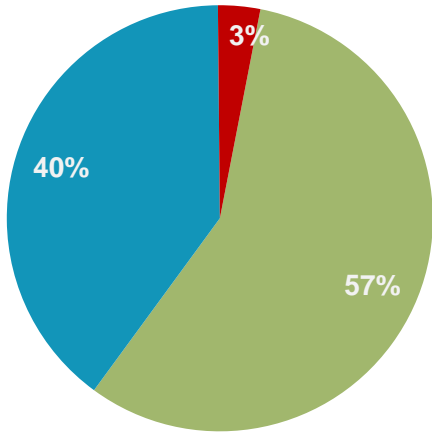
*The process of a hearing is beyond the reach of most people...the legal system discourages people going [down] that track so the main option we have is conciliation. I felt my employer did not learn anything from this process and got away with it as they have money and I as the employee could not fight it.*



**Applicants**



**Inexperienced Respondents**



*The process is understandable and makes sense.*

*This would have been difficult without the support of our legal representatives on the process and how this works.*

Well-prepared    Adequately prepared    Under-prepared    Unsure/Can't recall

G10: Now thinking about the determinative hearing/conference that you attended in relation to the Unfair dismissal matter; would you say you were...?  
 Base: Applicants (n=133) Respondents (n=93)

# Applicant and Inexperience Respondent feedback on conduct of Member-led events

Feedback was generally positive. Inexperienced Respondents were more positive about their experiences at Member-led proceedings than Applicants. Opportunities exist to address Applicant feedback about 'voice' and fairness.

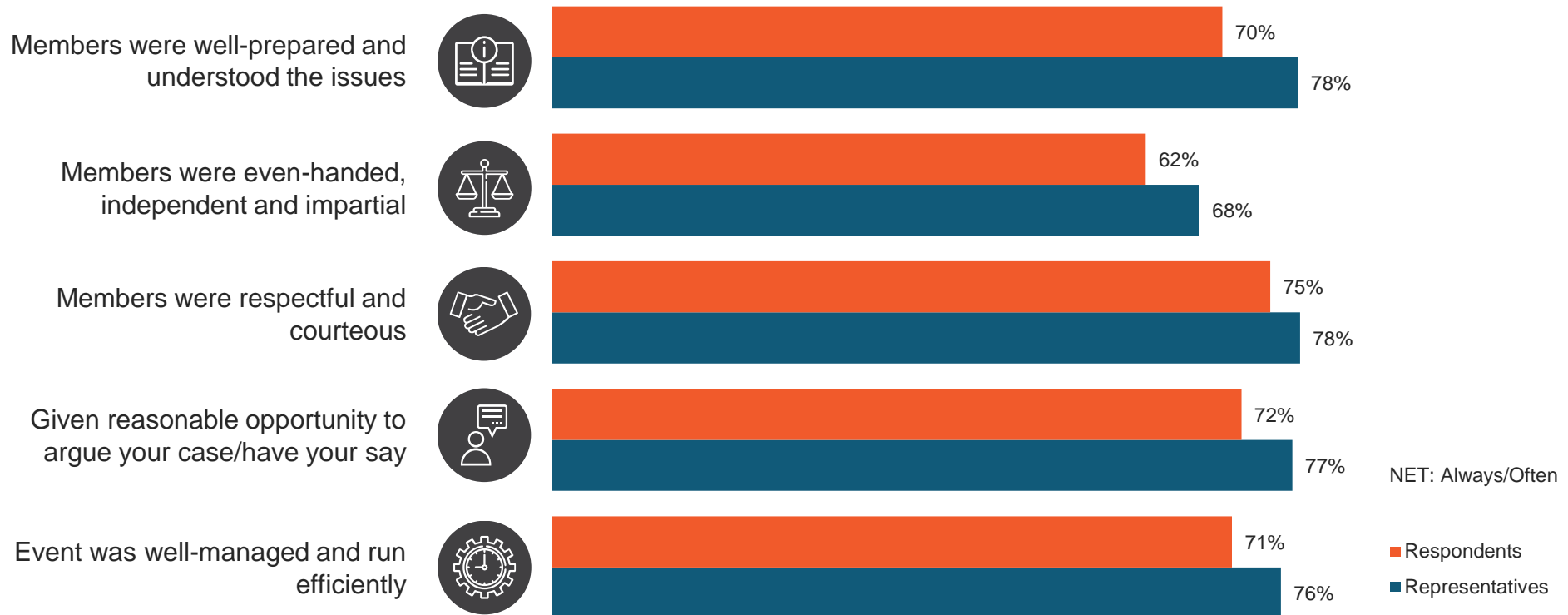


G12: Thinking about the conduct of the last event led by a Commission Member that you attended in relation to the Unfair dismissal matter; please indicate how strongly you agree or disagree with the following statements about how it was conducted.

Base: Applicants (n=290) Respondents: (n=206)

# Experienced Respondent and Representative feedback on conduct of Member-led events

Feedback was generally positive about consistency of experiences of Member-led events. Representatives were notably more positive than Experienced Respondents about the conduct of Member-led events.

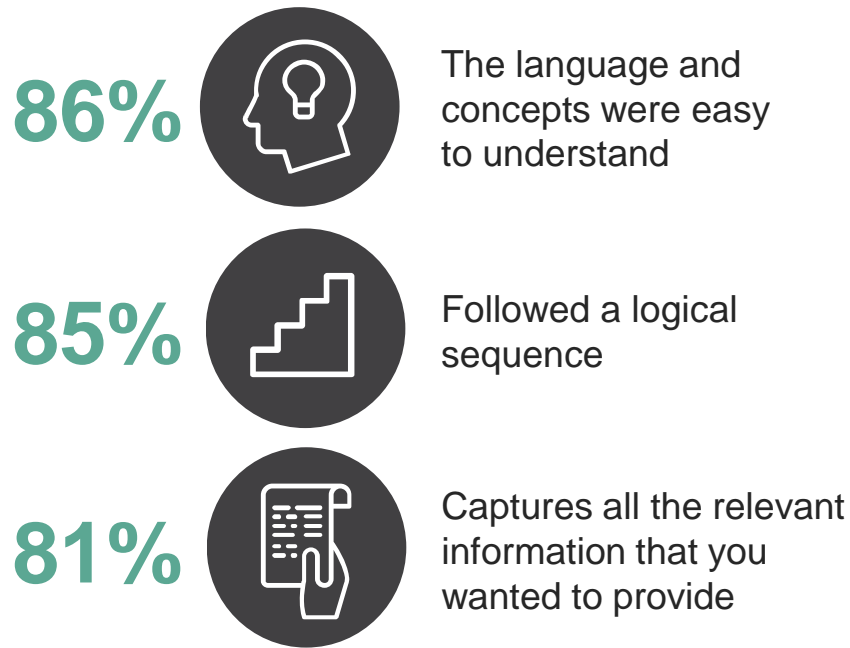


G23: Thinking about the conduct of events held by Commission Members over the past 12 months; please indicate how often you believe...  
 Base: Respondents: (n=229) Representatives: (n=339)

# Self-represented Applicant and Respondent feedback on submissions templates and time allowed for preparation of submissions

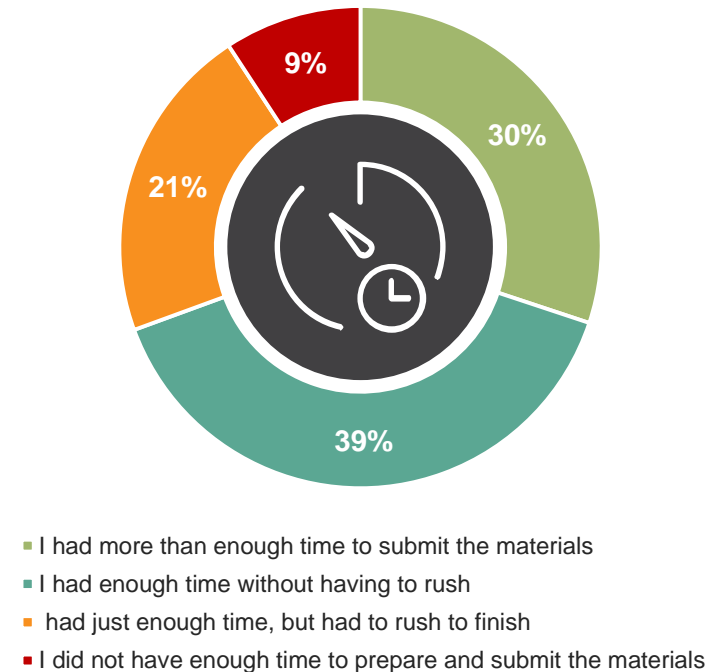
Most self-represented parties who had used the submissions templates agreed that they were relatively easy to use. Almost 70% of the self-represented parties indicated that the time allowed to prepare their submissions was enough without having to rush, while 9% said they did not have enough time to prepare their submissions.

## Submission templates



NET Agree/Strongly agree

## Time allowed to prepare submissions



I6: How strongly do you agree or disagree with the following statements about the templates and forms you used for your submissions?

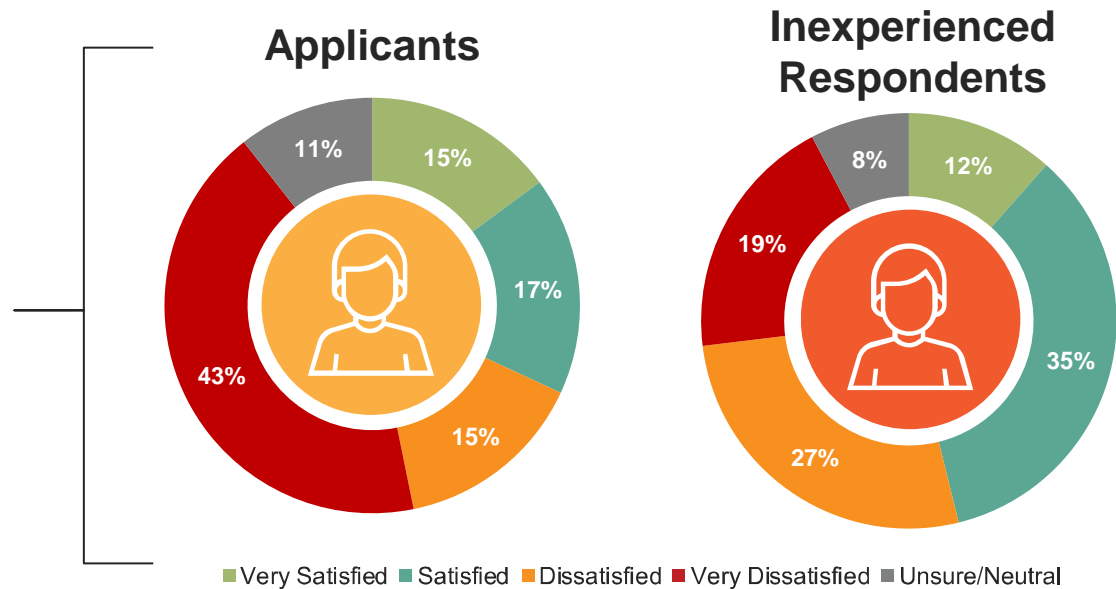
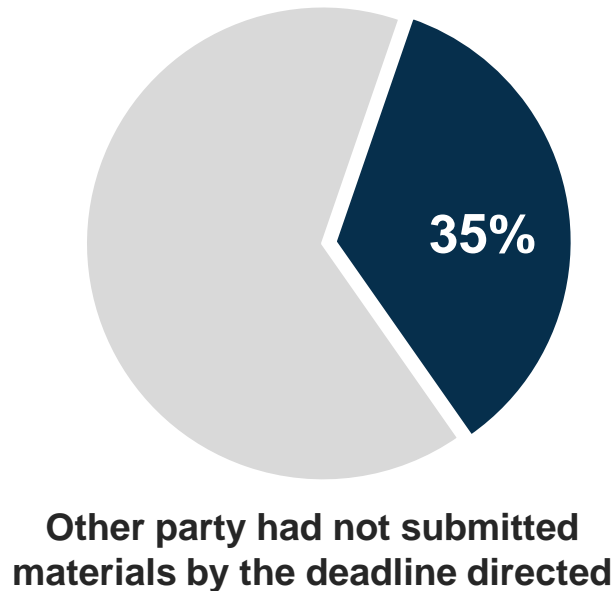
Base: Applicants (n=82) Respondents (n=43)

I7: Thinking about the amount of time that was allowed for you to prepare and submit materials, as directed by the Commission; which of the following statements best describes your opinion of this: More than enough time; Enough time without having to rush; Just enough time; Not enough time; Not applicable.

Base: Applicants (n=143) Respondents (n=70)

# Case management feedback – satisfaction with follow-up on missed submission deadlines

Two-thirds of survey participants indicated that submissions were filed on time in their matter. Of the relatively small number of Applicants who had experienced respondent failure to lodge submissions by the deadline directed, only one-third (32%) were satisfied with the way the Commission dealt with the non-compliance and communicated with them about it. Similarly, fewer than half (47%) of the Inexperience Respondents who had experienced applicant non-compliance were satisfied with how it was dealt with. Opportunities exist to improve follow-up procedures and communications about non-compliance with the Commission's directions.



I9: Did the respondent/applicant submit all of their materials by the deadline directed by the Commission?

Base: Applicants (n=143) Respondents (n=70)

I10: How satisfied or dissatisfied were you with the way the Commission dealt with the non-compliance of the respondent/applicant and communicated with you about this issue?

Base: Applicants (n=47) Respondents (n=26)

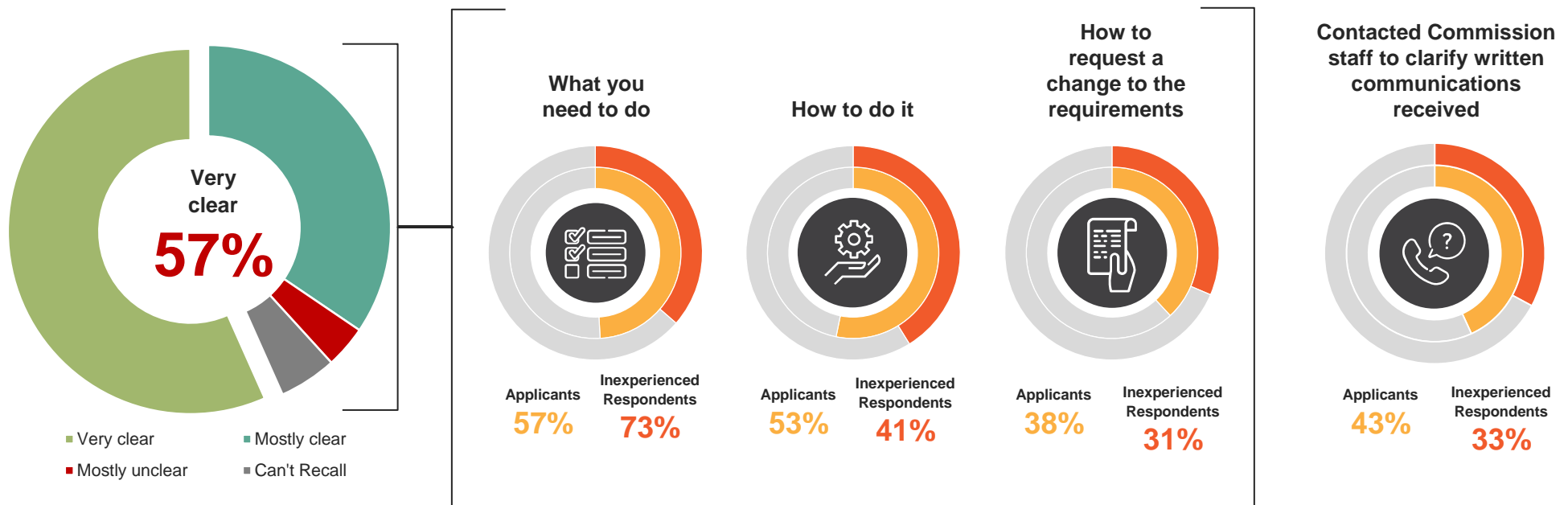




# Feedback about written communications

# Feedback about written communications: correspondence, notices, directions, orders, etc.

Over half of Applicants and Inexperienced Respondents reported that written communications were very clear. Ambiguity was most often related to *what* needed to be done and *how* to do it. One-third of Inexperienced Respondents and 43% of Applicants contacted the Commission to clarify the written communications they received.



I1: Thinking about the formal written communications from the Commission, such as instructions for submitting materials and attending events; how clear were the written communications to you in terms of understanding what you had to do. Would you say the communications were...? Base: Applicants (n=1,210) Respondents (n=987)

I2: What was unclear in the written communications? Base: Applicants (n=545) Respondents (n=336)

I3: Did you contact the Commission to clarify anything or help understand what you were required to do? Base: Applicants (n=1,210) Respondents (n=987)



# **Feedback about assistance provided and coordinated by Commission staff**

# Applicants' access to assistance from Commission staff

Just over half of Applicants had contacted the Commission prior to lodgment to seek assistance. Fewer than one-third of Applicants recalled communicating with Commission staff prior to their staff conciliation.



D5: Which of the following information resources provided by the Commission did you use to find out if you were eligible to apply and to prepare your application? Base: Applicants (n=933)

F5: Did you ...communicate with Commission staff, to help prepare for the conciliation? Base: Applicants (n=799) Respondents (n=652)

G3: Did you communicate with Commission staff ...to help you prepare for the [Member-led] event(s)? Base: Applicants (n=290) Respondents (n=206)

# Inexperienced Respondents' access to assistance from Commission staff

One-quarter of Inexperienced Respondents had communicated with Commission staff prior to lodging the F3 response form and fewer still recalled communicating with Commission staff prior to their staff conciliation. Fewer than half had communicated with Commission staff prior to Member-led proceedings.

Communicated with Commission staff  
Prior to lodging response form



**26%**

Communicated with Commission staff  
Prior to staff conciliation



**18%**

Communicated with Commission staff  
Prior to proceedings before a Member



**40%**

E8: Did you ... communicate with Commission staff, to help you prepare the response to the application? Base: Respondents: (n=846)  
F5: Did you ... communicate with Commission staff, to help prepare for the conciliation? Base: Applicants (n=799) Respondents (n=652)  
G3: Did you communicate with Commission staff ... to help you prepare for the [Member-led] event(s)? Base: Applicants (n=290) Respondents (n=206)

# Applicant and Inexperienced Respondent feedback on service provided by Commission staff

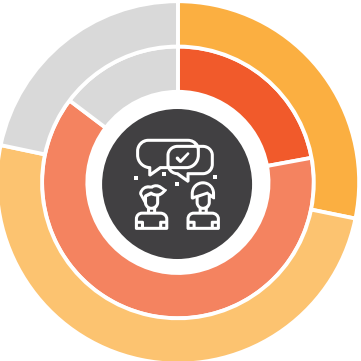
Applicants and Inexperienced Respondents were generally positive about services provided by Commission staff. Inexperienced Respondents are generally more positive than Applicants.

Inexperienced Respondents **93%**  
Applicants **90%**



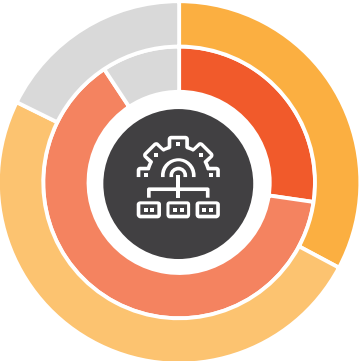
**They were respectful and courteous**

Inexperienced Respondents **91%**  
Applicants **82%**



**They were easy to understand**

Inexperienced Respondents **85%**  
Applicants **78%**



**They provided or directed you to the information you needed to understand the case management process**

Inexperienced Respondents **82%**  
Applicants **76%**



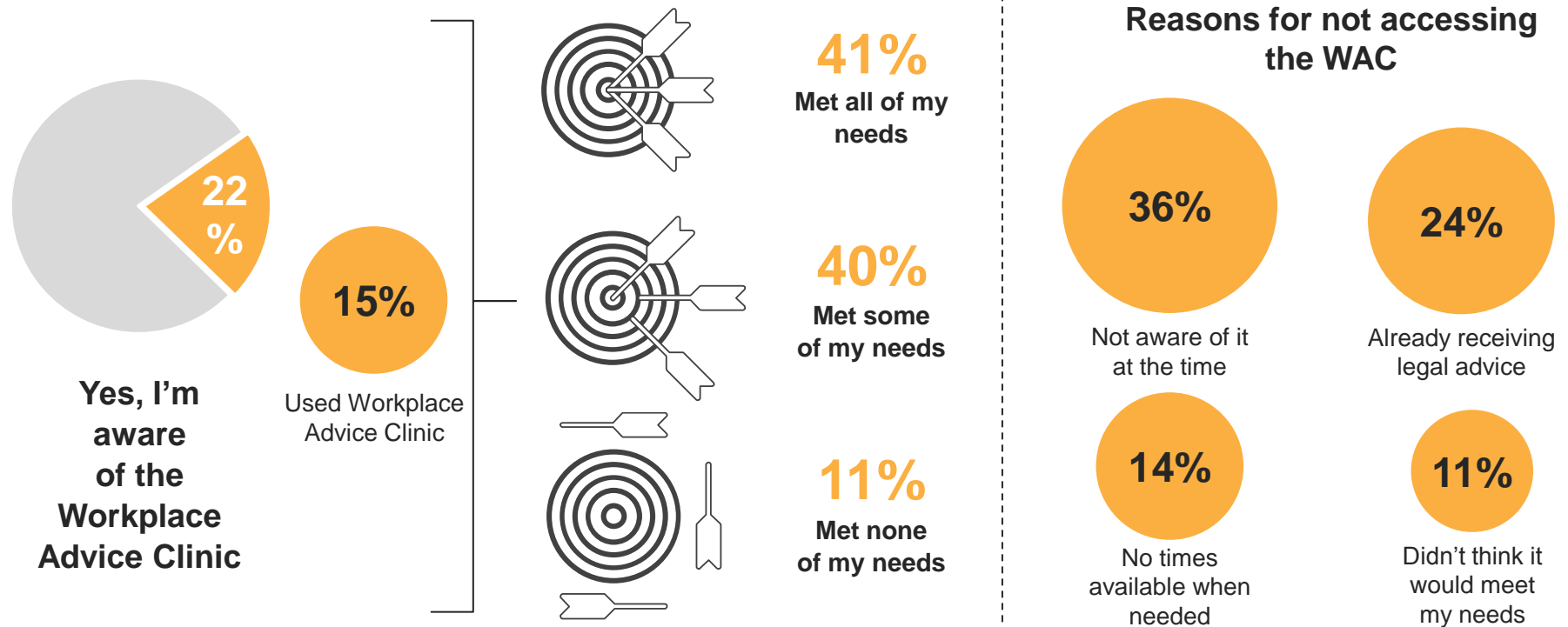
**They provided or directed you to the information you needed to understand the Unfair dismissal laws**

Net Agree

J1: You indicated earlier in the survey that you had communicated with Commission staff to seek assistance so we would appreciate your feedback on those interactions. How much do you agree or disagree with the following statements about the service provided by Commission staff?  
Base: Applicants (n=788) Respondents (n=373)

# Findings about the Workplace Advice Clinic (WAC) targeted at self-represented Applicants located in Melbourne, Sydney and Brisbane

The survey has showed relatively low levels of awareness of the WAC where it is available. Most applicants who accessed the service reported that at least some of their needs were met.



D5d: Which of the following information resources provided by the Commission did you use to find out if you were eligible to apply and to prepare your application?

- Workplace Advice Clinic (Free legal advice co-ordinated by the Commission) Base: Applicants (n=933)

D7: Are you aware that the Commission co-ordinates a Workplace Advice Clinic whereby employees can access free legal advice prior to lodging an application? Weighted Base: Applicants (n=415)

D6: Did the assistance you received through the Workplace Advice Clinic meet your needs? Base: Applicants (n=129)

D8: Why didn't you access the Workplace Advice Clinic service? Base: Applicants (n=61)



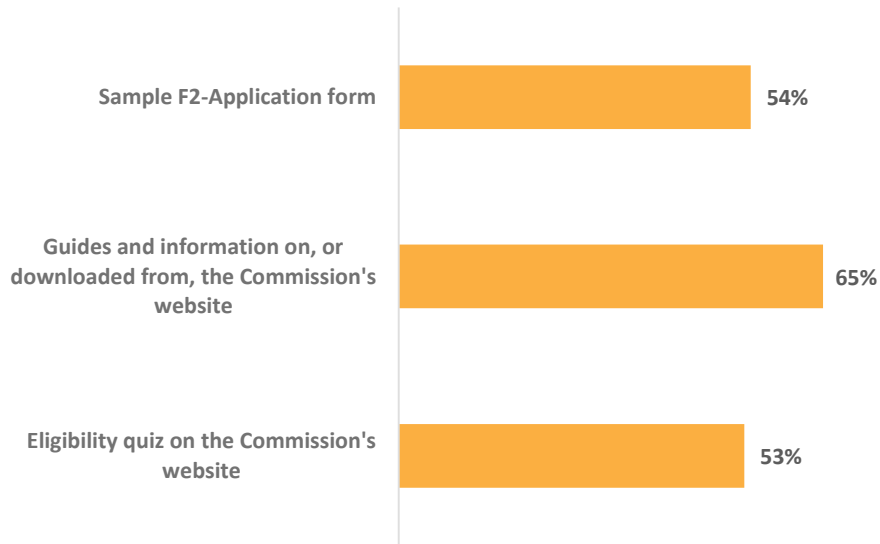
# Feedback about information resources



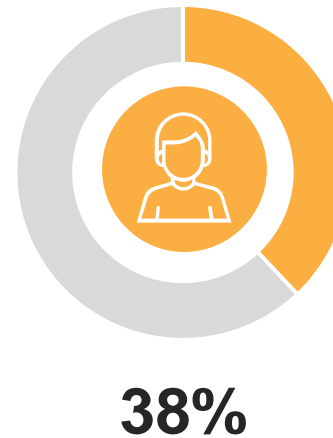
# Applicants use of information resources

Two-thirds of Applicants had accessed guides and other information from the Commission's website prior to lodgment. Just over half had used the eligibility quiz. Only one-third of Applicants had used the Commission's information resources prior to staff conciliation or Member-led proceedings.

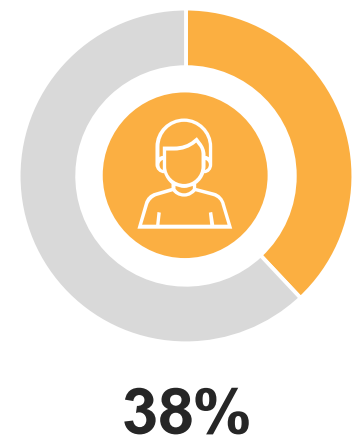
## Information resources accessed – Prior to lodging application



## Prior to staff conciliation



## Prior to proceedings before a Member



D5: Which of the following information resources provided by the Commission did you use to find out if you were eligible to apply and to prepare your application?

This refers to the time before you lodged your application. Base: Applicants (n=933)

F5: Did you access any information resources provided by the Commission... to help prepare for the conciliation? Base: Applicants (n=799) Respondents (n=652)

G3: Did you ... access any information resources provided by the Commission to help you prepare for the event(s)? Base: Applicants (n=290) Respondents (n=206)

# Inexperienced Respondents' use of information resources

Only one-third of Inexperienced Respondents had accessed the Commission's information resources prior to lodging their response form and prior to staff conciliation. Fewer than half (40%) had accessed information prior to proceedings before a Member.

Prior to lodging response form



32%

Prior to staff conciliation



32%

Prior to proceedings before a Member



40%

E8: Did you access any information resources provided by the Commission...to help you prepare the response to the application?

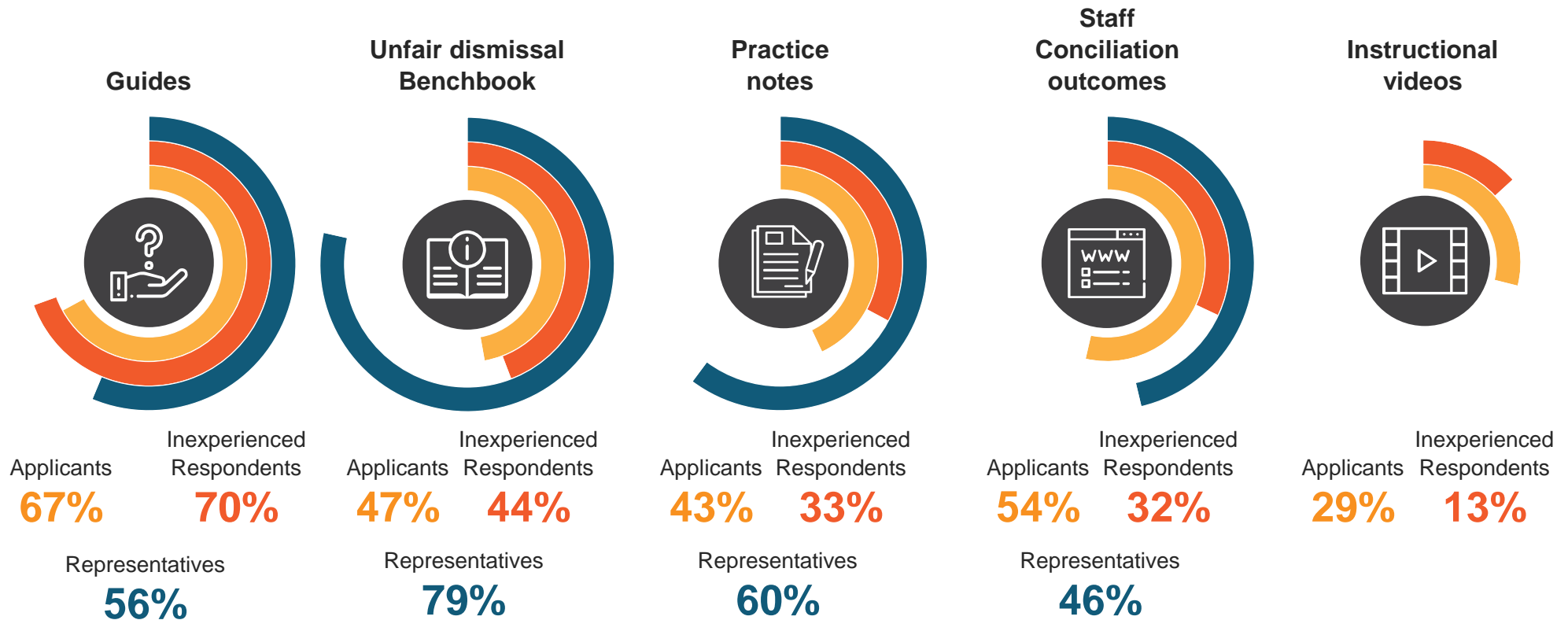
Base: Respondents: (n=846)

F5: Did you access any information resources provided by the Commission ... to help prepare for the conciliation? Base: Respondents (n=652)

G3: Did you ... access any information resources provided by the Commission to help you prepare for the [Member-led] event(s)? Base: Applicants (n=290) Respondents (n=206)

# Information resources used by parties

Guides are the most commonly used resource by Applicants and Inexperienced Respondents. The Benchbook was the most commonly used resource by Representatives.



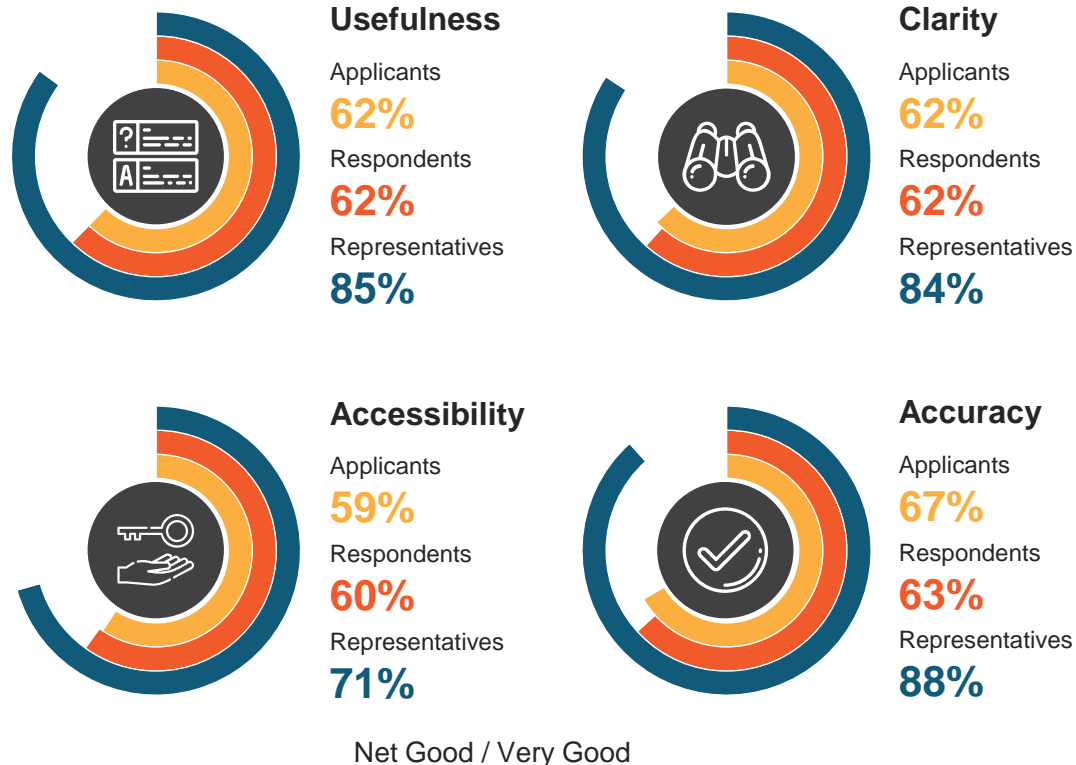
J2: You indicated earlier in the survey that accessed information resources provided by the Commission so we would appreciate your feedback on those materials. Did you access...?

Base: Applicants (n=820) Inexperienced Respondents (n=391)

J7: Have you accessed the following information resources provided by the Commission in relation to Unfair dismissal matters over the past 12 months? Base: Representatives (n=229)

# Feedback on information resources

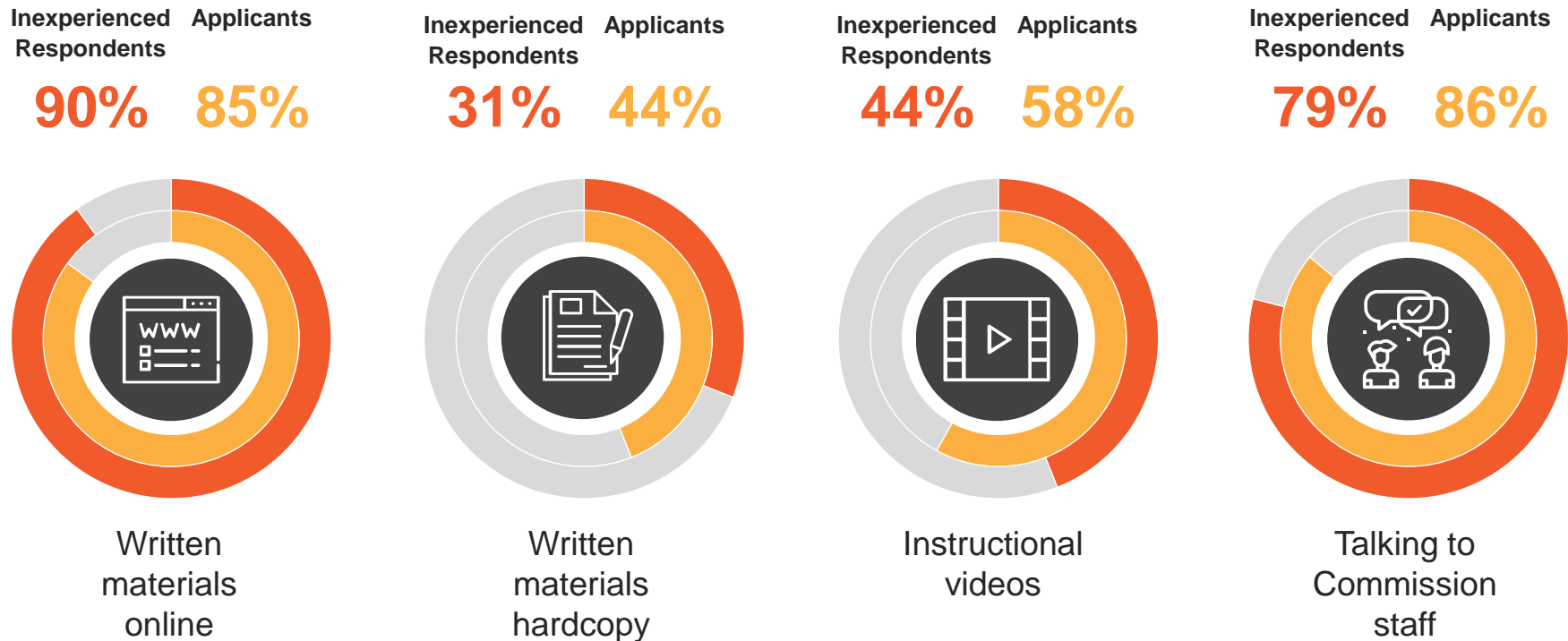
Most Representatives indicated that the information resources provided by the Commission are good on the range of measures. Feedback was less positive among Applicants and Respondents, but still generally positive with approximately two-thirds reporting the resources are good or very good on the range of measures.



J3/J8: How would you rate the information resources provided by the Commission on the following measures? Base: Applicants (n=879) Respondents (n=454) Representatives (n=339)

# Preferences for information format

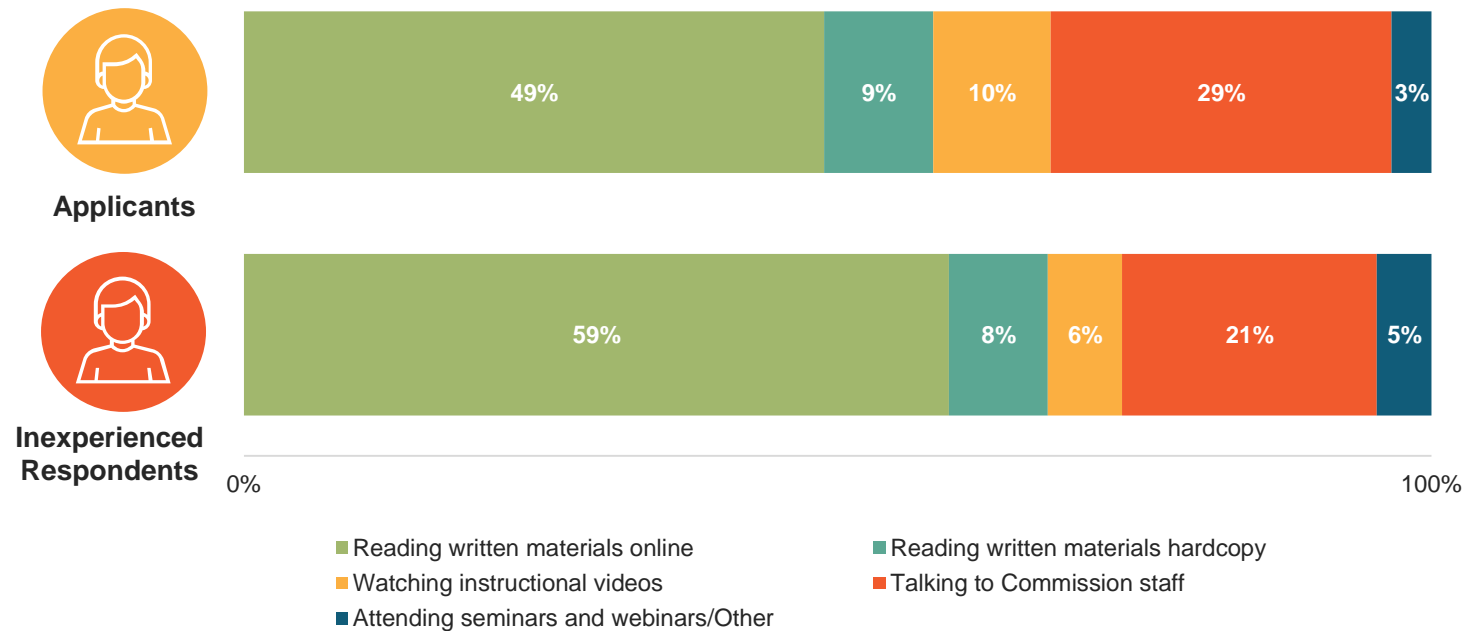
Most Applicants and Inexperienced Respondents want to have the option of reading written materials online and also talking to Commission staff to access information.



J4: Ways you would want to access information. Base: Applicants (n=1,210) Inexperienced Respondents (n=987)

# Most preferred information format

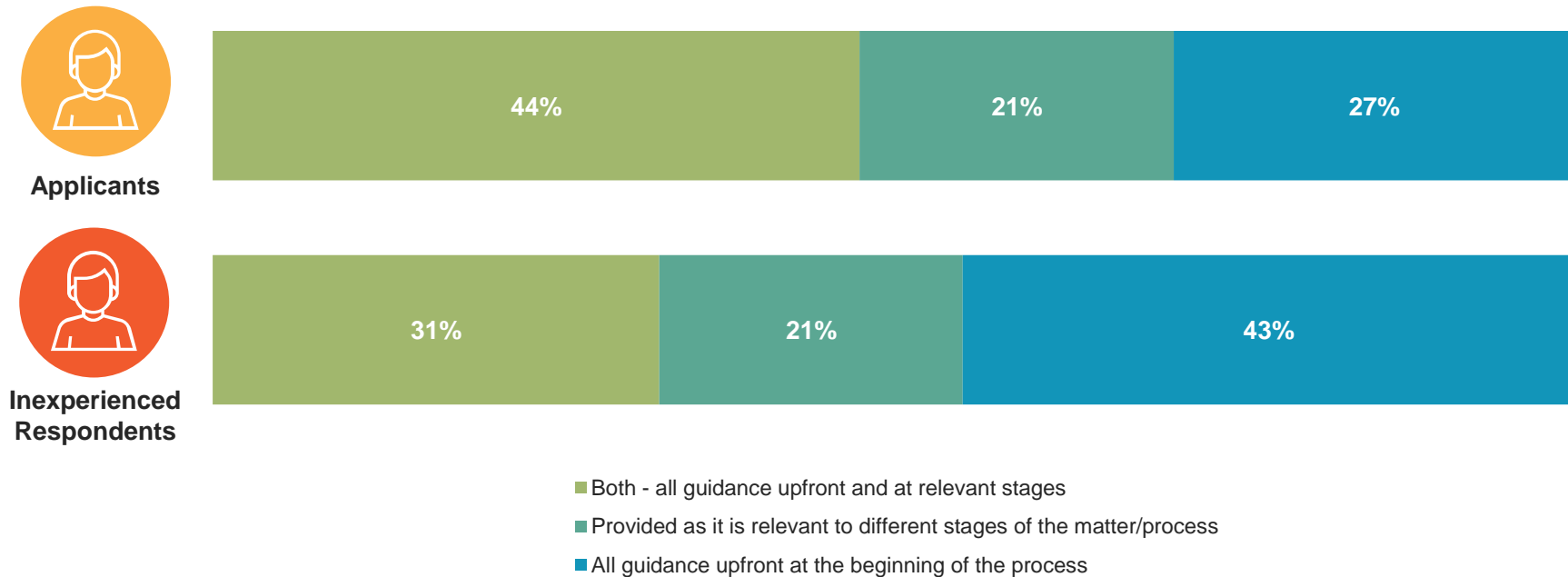
Reading written materials online is the most preferred option among both Applicants and Inexperienced Respondents. Just over one-quarter of Applicants and just under one-third of Inexperienced Respondents would prefer to access information by talking to Commission staff.



J5: And which way to access information would be your **most** preferred? Base J4/J5: Applicants (n=1,210) Inexperienced Respondents (n=987)

# When Applicants and Inexperienced Respondents want to receive information

Inexperienced Respondents would prefer all information to be provided upfront while Applicants would prefer initial and ongoing provision of information.



J6: And lastly on information resources, would you prefer to receive all guidance about processes at the outset of the matter, or would you prefer to receive guidance at different stages of the process as it is relevant to your matter, or both?

Base: Applicants (n=1,210) Respondents (n=987)

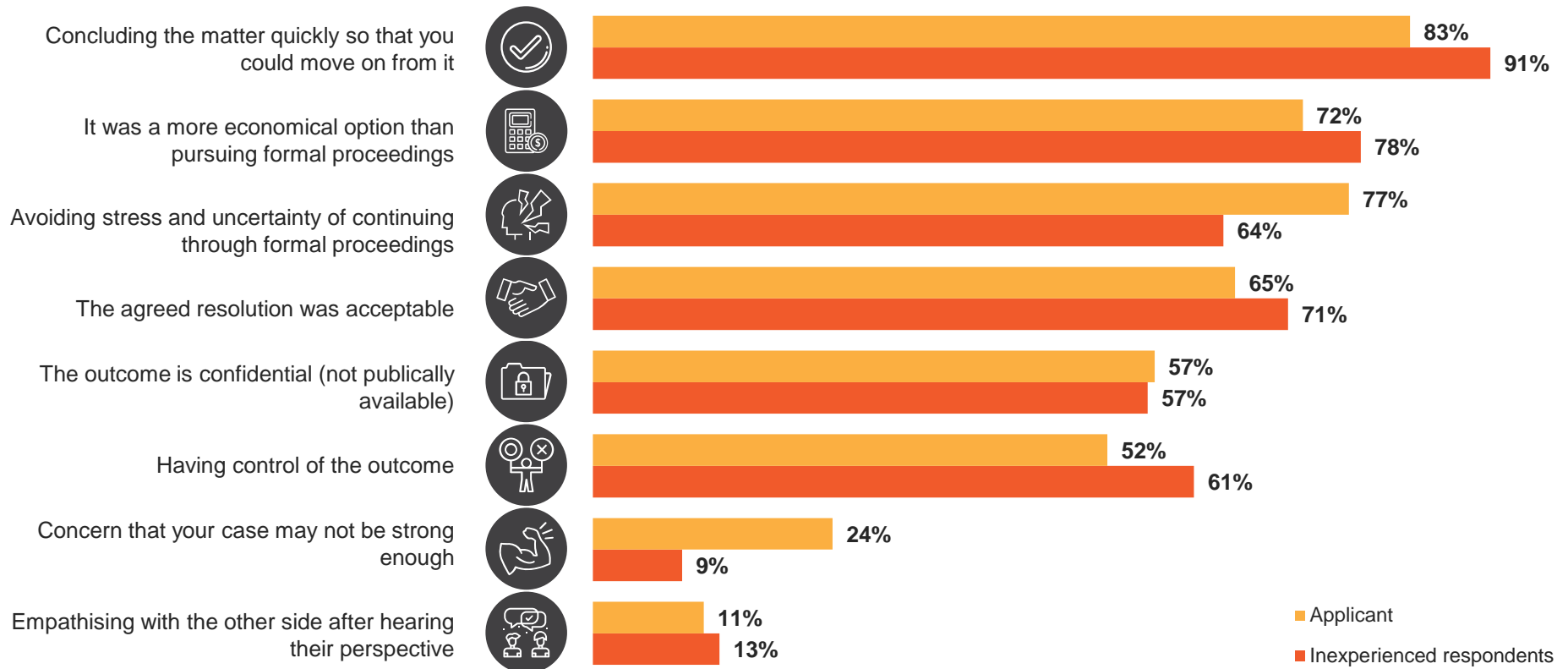


# Feedback about outcomes



# Feedback on outcomes – highly influential factors in resolving matter through conciliation

Concluding the matter quickly was the most commonly reported highly influential settlement factor among both Applicants and Inexperienced Respondents who resolved their matter through staff conciliation or later in the process through Member-assisted conciliation or independently of the Commission.

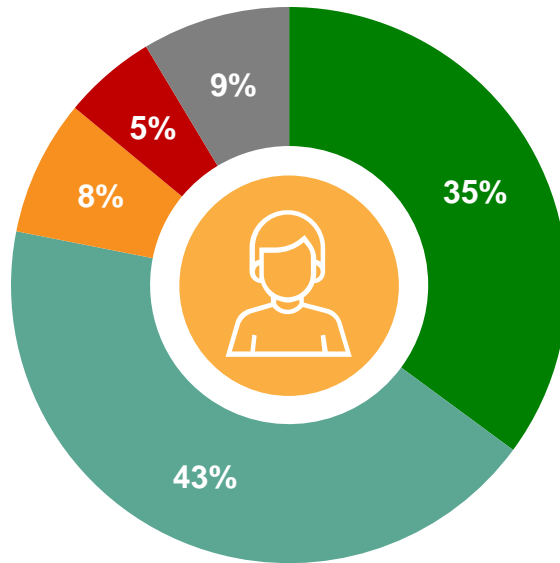


H2: Which of the following factors were highly influential in your decision to resolve the matter?  
 Base: Applicants (n=819) Inexperienced Respondents (n=687)

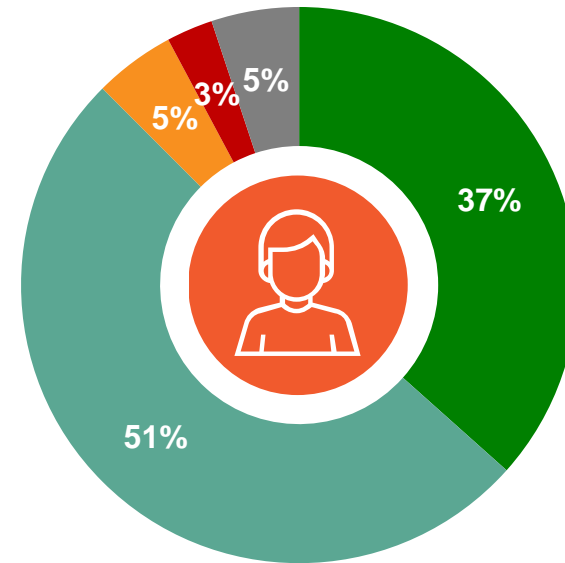
# Feedback from self-represented parties on support for concluding matters after resolution through Staff Conciliation

Most self-represented Applicants (78%) and almost all self-represented Inexperienced Respondents (88%) were satisfied with the assistance they received from the Commission to conclude their matter after their staff conciliation.

### Self-represented Applicants



### Self-represented Inexperienced Respondents



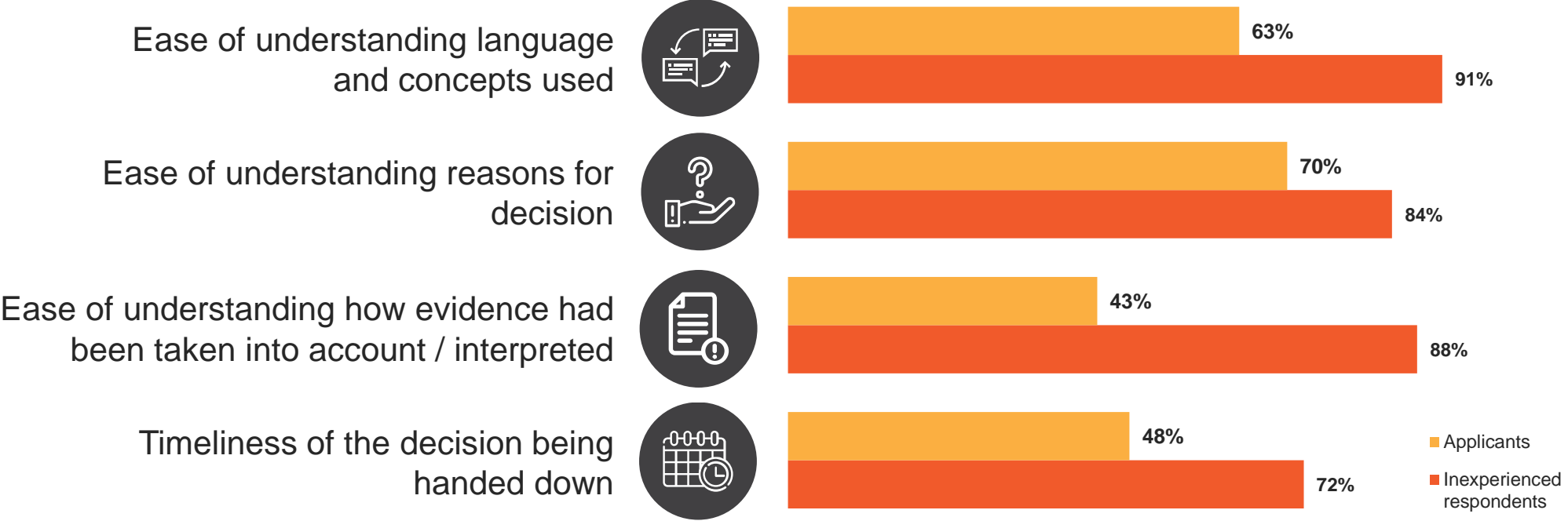
■ Very Satisfied ■ Satisfied ■ Dissatisfied ■ Very Dissatisfied ■ Other

H4: Thinking about how the matter was finalised, such as executing terms of agreement and the discontinuation of the Unfair dismissal application; how satisfied or dissatisfied were you with the assistance provided by the Commission in concluding the matter?

Base: Self-represented Applicants (n=774) Self-represented Inexperienced Respondents (n=398)

# Feedback on Decisions handed down by Members

Applicants and Inexperienced Respondents were satisfied with the ease of understanding the language used and the reasons for decision. Applicants satisfaction with understanding how evidence had been used and the timeliness of the decision being handed down was notably lower.



H5: Thinking about the decision that was handed down by the Commission and any related orders, how satisfied or dissatisfied were you with the...?  
 Base: Applicants (n=81) Inexperienced Respondents (n=52)

# Feedback on why Applicants discontinued their application

The main reasons for discontinuing reported by Applicants were ineligibility and the cost of representation

15%



Not eligible / laws did not cover my circumstances

15%



Could not afford the cost / cost of representation

11%



Felt the Commission not impartial / biased / didn't listen to me

7%



I was advised not to continue

6%



Adverse effects on health



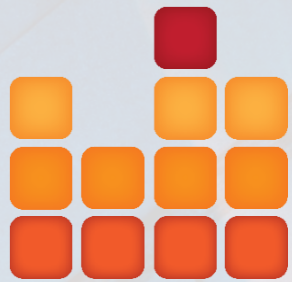
*It was going nowhere, it was going to cost me more money and the stress of it all.*

*Anyone going through this would be angry and emotional. I was beaten down and bullied. Legal representation would have been very expensive. It is unfair for an employee to have to withdraw due to the costs.*

*It was very scary continually being told, that if you continue with the matter, that it will be published on the internet and that everyone will know*

*I was unaware of the expiry period for applications.*

H7: Why did you discontinue your application? What information, support and guidance (if any) could the Commission have provided to assist you?  
Base: Applicants (n=166)



# Methodology and response rate summary

# Surveying process and response rates

The response level across the 3 key survey populations was largely consistent. The invitations figures and response rate calculations are inclusive of all attempts to contact clients and not just productive contacts (i.e. including undeliverable email invitations and calls that could not be connected).

## Surveying process

All applicants, respondents and representatives invited to participate in the survey were first contacted by the Commission via email and provided a unique link to complete the survey online.

The sample comprised individuals who had consented to their information being provided to an external provider for research purposes and individuals who had not. Those who had consented were given the opportunity to opt out of the research before their contact details were provided to Wallis.

Contact details for individuals who had consented to the disclosure of their information for research purposes were provided to Wallis to enable reminder emails, follow-up phone calls and telephone completion of surveys.

Individuals who had not consented only received reminder emails from the Commission about the survey, but were not contacted by Wallis.

Response levels among individuals who had consented and whom Wallis could contact about the survey were generally higher than response levels of individuals who had not consented and were only contacted via email from the Commission.

Invitation type	Invitations (n)	Completions (n)	Response Rate (%)
Applicant invitations	4,700	1,210	26%
Respondent invitations	4,573	1,216 (Inexperienced = 987 Experienced = 229)	27%
Representative invitations	1,219	339	28%
<b>Total invitations</b>	<b>10,492</b>	<b>2,765</b>	<b>26%</b>

# Data collection methodology

A multi-modal survey was employed, providing the option for participants to complete the survey online or via telephone with an interviewer. The survey instrument was developed by the Commission, externally reviewed by ANZSOG and reviewed by Wallis so that it worked for both online and computer-assisted telephone interview (CATI) administration formats.

Survey	Fieldwork Start	Fieldwork Completion	Starting Sample	Completed surveys
Wave 1 (Baseline)	14 Nov 17	9 Jan 18	8,347	2,199
Wave 2	4 May 18	22 May 18	2,145	556
<b>TOTAL</b>	-	-	<b>10,492</b>	<b>2,765</b>



**72%**  
Online



**28%**  
CATI



**Geographical coverage:  
Australia wide**



**Average questionnaire length:  
20 minutes\***



**A pilot survey was  
conducted in October 2017**

*\* Duration of CATI survey only*

# Survey sample and weighting

Results in this report rely on analysis of Applicant & Respondent survey data that has been weighted to correct for the non-random sampling method that was employed for the research.



## Purpose of Weighting

The sample of Applicants and Respondents invited to participate in the survey deliberately over-represented Arbitration experiences to enable robust analysis of these processes. The final survey results have been weighted to reflect actual experiences as most unfair dismissal matters are resolved through Staff Conciliation and do not proceed to Arbitration (see also flowchart on page 10).

It can be seen from the table that survey participants involved in cases that involved Arbitration made up 43% of the raw sample, but only 27% of the weighted sample which approximates the population.

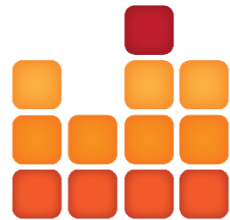
Note: These percentages exclude Representatives. Representatives were not sampled based on specific cases, and hence were not included in the weighting process.

Arbitration case management type	% Unweighted sample	% Weighted sample
Roster allocation*	22%	14%
Direct allocation to Member**	21%	13%
<b>Total arbitration</b>	<b>43%</b>	<b>27%</b>
<b>No arbitration case management</b>	<b>57%</b>	<b>73%</b>

\***Roster allocation** refers to matters that progress to the arbitration stage (see page 10 for overview of process) and are managed by a centralised team prior to on-allocation to a Commission Member.

\*\***Direct allocation to Member** refers to matters that progress to the arbitration stage and are allocated directly to a Member.





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