

## 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>	[ x ] Mr [ ] Mrs [ ] Ms [ ] Other please specify:		
<b>First name(s)</b>	Umberto		
<b>Surname</b>	D'Avanzo		
<b>Postal address</b>	58 Sample Street		
<b>Suburb</b>	Parramatta		
<b>State or territory</b>	NSW	<b>Postcode</b>	2124
<b>Phone number</b>	02 8000 0000	<b>Fax number</b>	
<b>Mobile number</b>	0499 555 222		
<b>Email address</b>	umberto@mail.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 who is representing you. This might be a lawyer or paid agent, a union or a family member or friend. There is no requirement to have a representative.

- Yes – Provide representative’s details below  
 No

**Your representative**



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

<b>Name of person</b>			
<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>	<b>Left Right Out Industries Pty Ltd</b>
<b>Employer’s ACN (if a company)</b>	<b>12 345 678 901</b>
<b>ABN</b>	
<b>Contact person</b>	<b>Wayne Manager, Human Resources Manager</b>

Postal address	100 Example Road		
Suburb	Sydney		
State or territory	NSW	Postcode	2000
Phone number	02 9000 0000	Fax number	
Email address	w.manager@leftrightout.com.au		

## 1. Your employment

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

13 August 2021

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

Primary workplace/worksite street address			
Suburb			
State or Territory		Postcode	

### 1.3 To the best of your knowledge, how many employees were employed in 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?

7 January 2023

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

13 January 2023

**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.

**1.7 Have you made another claim to the Commission or to any other organisation regarding your dismissal (eg 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?**

a) Reinstatement to my position.

b) Compensation.

a) Reinstatement to my position.

b) Compensation.

### 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. The Human Resources Manager called me into a meeting on 7 January 2023 and told me that there had been complaints about my work. I was told that my work was not as good as it should be.**
- 2. I was given a letter that said this and I have attached a copy. The letter said that I would be dismissed, and my last day of work would be 13 January 2023.**

#### 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 think the dismissal was unfair because I was not told there were any problems with my work or given any warnings before the meeting on 7 January 2023.**
- 2. There is no system of performance review meetings at Left Right Out. I did have meetings with my supervisor, Jo Small on 5 July 2022 and 16 December 2022. In those meetings I was told that my work was good and there were no problems.**
- 3. I was not given a chance to respond to the complaints that were made. I was also not given any time to fix any problems.**
- 4. I have worked for Left Right Out since August 2021. Before the 7 January 2023 meeting I had never had any problems at work.**

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>	<i><b>Umberto D'Avanzo</b></i>
<b>Name</b>	<b>Umberto D'Avanzo</b>
<b>Capacity/Position</b>	Applicant
<b>Date</b>	<b>16 January 2023</b>



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

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

## Application fee

Your name: Umberto D’Avanzo

The current application fee is available on the [Lodge an application](#) page on the Commission’s website [www.fwc.gov.au](http://www.fwc.gov.au).

The *Fair Work Act 2009* requires a fee to be paid on lodgment of this application with the Commission. Where applicable, any refund of the application fee will be forwarded by cheque to you at the address provided on this application form.

## Financial hardship

If paying the fee will cause you financial hardship, you can apply to have the fee waived. If you are applying to have the fee waived you must complete and lodge the Fee Waiver form at the same time as you lodge your application. Note that the Commission will not forward a copy of the Fee Waiver form to the employer. The [Fee waiver form](#) can be downloaded from the Commission website [www.fwc.gov.au](http://www.fwc.gov.au).

## Payment options

I have completed the Fee Waiver form and have attached it to my application.

I am paying by cash – Cash payments can only be made in person at one of the Commission offices. Payment should be made at the same time as the application is lodged.

I have attached a cheque or money order to this application – Cheques and money orders should be made payable to the Collector of Public Monies, FWC. Please note that the cheque or money order must be for the exact amount of the application fee, if it is not it may cause the processing of your application to be delayed.

I am paying by credit card – Please see below:

**If paying by credit card, please provide the payer details below and a Commission officer will contact the payer within 3 business days from the date of lodgment.**

## Payer details

Who is making the payment?

You                       Your representative                       Other—Please complete the details below

Full name of payer	Umberto D’Avanzo		
Postal address	58 Sample Street		
Phone number	02 8000 0000	Email address	umberto@mail.com

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