



Workplace Complaints Analytics

Workplace Complaints Analytics is a comprehensive searchable collection of Workplace Complaints cases, where the specific details of each case have been identified to allow users to conduct specialised research.

It helps you to advise clients on the costs, timing, and likely outcomes of their matter by understanding the most probable results from previous cases.

It contains specialised summaries of cases, focusing on action type, type of dispute, jurisdictional issues, remedy, successful party and key factors that influence the outcome.

Finding Workplace Complaints Analytics

Workplace Complaints Analytics tracker is on the left of the homepage under Specialty areas.

The screenshot shows the Westlaw Australia homepage. At the top, there is a navigation bar with the Thomson Reuters logo, the text 'Westlaw Australia', and a search bar. Below the search bar, there is a section for 'Content types' with a dropdown menu. The 'Specialty areas' section is highlighted, and the 'Workplace Complaints Analytics' link is visible and highlighted with an orange box.

Content types	Practice areas	International	My content	Tools
Cases All Cases Latest Cases Commonwealth Law Reports (CLR) Federal Court Reports (FCR) All Authorised Reports Specialist Law Reports Key Number System Browse cases by topic Specialty areas NewsRoom Workplace Complaints Analytics	Legislation All Legislation Federal Australian Capital Territory New South Wales Northern Territory Queensland South Australia Tasmania Victoria Western Australia	Secondary Sources All Secondary Sources Commentary The Laws of Australia Forms & Precedents Law Reviews & Journals Books Current Awareness Alert 24 & News Bulletins Government & Regulatory Materials ASIC Digest Australian Taxation Office		

You can also find it in the Employment Law practice area.

On the homepage, click on the Practice areas tab, select Employment and then select Workplace Complaints Tracker on the right.

Employment ▾ Search Employment ▾ All State & ... Search Tips > Advanced >

Employment

☆ Add to Favourites Set as start page Copy link

Search all Employment above or navigate to specific content below.

Employment Resources

☐ Select all content • No items selected • Clear Selection ☒ Specify content to search

- ☐ Cases
- ☐ Legislation
- ☐ News & Current Awareness
- ☐ Secondary Sources
- ☐ Forms & Precedents

Tools

- NewsRoom
- Drafting Assistant Essential [↗](#)
- Workplace Complaints Tracker**

Featured Publications

- National Workplace Relations
- Personal Injury Law Manual NSW
- Workers Compensation Law Manual Qld

Searching by Action Type

Select the required action type from the drop-down list and click on Go.

Tracker Analytics

Workplace Complaints

Action Type

Select an action type ▾ Go

- Select an action type
- Breach of General Protections — Involving Dismissal
- Breach of General Protections — Non-Dismissal
- Bullying
- Unfair Dismissal
- Unlawful Termination

Using the results page

On the results page, the graphic shows a breakdown of the successful party for all of the cases concerning that action type contained in the Workplace Complaints Analytics database.

1. The Data Visualisation shows the successful party and number of results. It is interactive so you can click on the diagram or the results categories to narrow results for the successful party type. Case summaries appear under the diagram.
2. Case summaries show the party names, court, judgment date citations, action type and the amount of any financial award.

Filter

☐ Select multiple

Search within judgments

search

Filter by category

- Dispute Type +
- Successful Party +
- Jurisdictional Issues +
- Remedy +
- Remedy Amount +
- Costs Amount +
- Overall Successful Party +
- Employment Type +
- Employer/Industry Type +
- Employment Agreement/Contract +
- Union Representation +
- Jurisdiction +
- Judge +
- Date +

Home > Workplace Complaints Tracker > Results

Unfair Dismissal Analytics

Successful Party

Results	Total Percentage
Employer 1	1,953 54%
Employee	1,614 45%
Other	17 <1%
Principal	4 <1%
Contractor	2 <1%

Tracker Summaries (3,382) 2

1 - 100 > Sort: Date: newest to oldest

- Morris v YPT Group (t/as Smiths Gully Cafe)** Judgment
 Fair Work Commission • 21 September 2021 • [2021] FWC 5935 • 2021 WL 4440284
 Action type: Unfair Dismissal
- Petkovski v M J Luff Pty Ltd (t/as Border Express)** Judgment
 Fair Work Commission • 17 September 2021 • [2021] FWC 5936 • 2021 WL 4440479
 Action type: Unfair Dismissal
 Jurisdiction issue: Unfair Dismissal — Out of time applications

Refining Results – adding keywords

Refine results using the **Search within judgments** box by typing in keywords related to your client's matter. The results show where the keywords appear in the full judgment text.

1. Enter the keywords into the search within judgments box. You can use Boolean connectors to look for synonyms (OR) or multiple keywords (AND), e.g., "non performance" or "poor performance". Click **search**. The data visualisation and search results automatically update.
2. To amend or remove keywords, click on the **Remove search** link and type new keywords.
3. Clicking on the case titles link to the case summaries.
4. Judgment link opens KeyCite record with links to unreported judgment and parallel citations.
5. Search terms are highlighted in yellow.
6. Tracker summary shows financial award, if known.

Filter

☐ Select multiple

Search within judgments 1

Q "non performance" or "poor performance" 2 Remove search

Filter by category

- Dispute Type +
- Successful Party +
- Jurisdictional Issues +
- Remedy +
- Remedy Amount +
- Costs Amount +
- Overall Successful Party +
- Employment Type +
- Employer/Industry Type +
- Employment Agreement/Contract +
- Union Representation +
- Jurisdiction +
- Judge +
- Date +

Unfair Dismissal Analytics

Successful Party

Results	Total Percentage
Employer	214 53%
Employee	187 47%

Tracker Summaries (357)

1 - 100 > Sort: Date: newest to oldest

- O'Brien v Ventia Pty Ltd** 3 Judgment 4

Fair Work Commission • 15 September 2021 • [2021] FWC 5916 • 2021 WL 4452029

Action type: Unfair Dismissal

Judgment: ...not do so, it contended, was indicative of his continued **poor performance**... 5
- Bridge v Globe Bottleshops Pty Ltd (t/as Wellington Beer Wine and Spirits)** Judgment

Fair Work Commission • 30 August 2021 • [2021] FWC 3153 • 2021 WL 3856399

Action type: Unfair Dismissal

Total financial award: **\$3,000.00** 6

Judgment: ...Although Mr Bridge was not dismissed for reasons of **poor performance** but rather for his conduct, Mr Bridge gave evidence that...

Refining results using filters

1. You can refine results using the filters on the left and can select multiple filters.
2. The chart and case results automatically update in response to the filters you apply.

Search within judgments
Remove search

Filter by category

Clear all filters

Dispute Type +

Capacity
☒ Performance 24

Successful Party +
Jurisdictional Issues +

Remedy +

☒ Compensation 24

Remedy Amount +
Overall Successful Party +
Employment Type -

☒ Permanent 24

☐ Unknown 11
☐ Casual 4
☐ Permanent Part-time 4
☐ Other 3
☐ Probationary 1

Employer/Industry Type +
Employment Agreement/Contract +
Union Representation +
Jurisdiction +

Home > Workplace Complaints Tracker > Results

Unfair Dismissal Analytics 2

Successful Party

68% Employee

Results	Total Percentage
Employee	23 68%
Employer	11 32%

Tracker Summaries (24)

1 - 24
Sort: Date: newest to oldest

1. **Hastings v Vantage Holdings Australia Pty Ltd** Judgment

Fair Work Commission • 16 August 2021 • [2021] FWC 5035 • 2021 WL 3662361

Action type: Unfair Dismissal

Total financial award: \$36,217.00

Judgment:
...no management or direction from the employer in relation to non-performance issues or under-performance issues except in the show cause...

2. **Gagulich v Cardio Respiratory Sleep Pty Ltd** Judgment

Fair Work Commission • 5 March 2021 • [2021] FWC 1229 • 2021 WL 948467

Action type: Unfair Dismissal

Total financial award: \$3,775.95

Viewing Documents

1. Click the case name to open the Tracker Summary.
2. Click on Judgment link to view the KeyCite record containing the full text of the unreported judgment and links to the court ready version and parallel citations.

1. [Hastings v Vantage Holdings Australia Pty Ltd](#)

2 Judgment

Fair Work Commission • 16 August 2021 • [2021] FWC 5035 • 2021 WL 3662361

Action type: Unfair Dismissal

Total financial award: **\$36,217.00**

Judgment:
...no management or direction from the employer in relation to **non-performance** issues or under-performance issues except in the show cause...

Viewing the Summary Document

1. Click on Judgment link to open the KeyCite record.
2. Use the scroll bar to view the tracker summary.
3. The summary outlines the key facts and the successful party, jurisdictional issues, remedies, financial or costs awards, Industry, Agreement/Employment Type and Union Representation.

Hastings v Vantage Holdings Australia Pty Ltd tracker summary

Fair Work Commission • 16 August 2021 • [2021] FWC 5035 • 2021 WL 3662361

Judgment

1

2

Applicant: Angela Hastings

3

Dispute

Action Type	Personal Dispute Type	Personal Dispute Detail	Successful Party
Unfair Dismissal	Unfair Dismissal — Capacity — Performance	Sales consultant — demoted to part-time role for failure to meet KPI — returned to full-time role — sales performance — criticism — alleged failure to provide sales information, rush projects under false pretences, and would leave work for others to complete — “our gift to you” promotion — honesty — meeting called as result of complaint — alleged refusal to acknowledge ongoing performance issues and extreme disrespect to director and sales manager — show cause letter — feedback from potential client’s display home visit — termination —	Employee

Remedies

Remedies	Amount Awarded	Discounts	Discussion
Compensation	\$36,217.00		12 weeks’ pay — suffered financial loss — negative changes to residential construction market — \$3772.61 weekly commission — had not obtained alternative employment and had no income from other non-refundable sources — took reasonable steps to obtain alternative employment following dismissal — less taxation — \$3,440.92 superannuation contributions

Outcome

Overall Successful Party: Employee

Employer/Industry Type:

Construction — Building Construction — Residential Building Construction

Employment Agreement/Contract Type:

Award

Employment Type:

Permanent

Employee Union Representation:

No

Copy and Paste Summary Results

The text of the case results list or summaries can be copied into a Microsoft Word document. Highlight the text and right click to copy. Use CTRL V to paste into a Word document.

Hastings v Vantage Holdings Australia Pty Ltd tracker summary

Fair Work Commission • 16 August 2021 • [2021] FWC 5035 • 2021 WL 3662361

Judgment

Applicant: Angela Hastings

Dispute

Action Type	Personal Dispute Type	Personal Dispute Detail	Successful Party
Unfair Dismissal	Unfair Dismissal — Capacity —	Sales consultant — demoted to part-time role for failure to meet KPI — returned to full-time role — sales performance — criticism — alleged failure to provide sales information, rush projects under false pretences, and would leave work for others to complete — “our gift to you” promotion — honesty — meeting called as result of complaint — alleged refusal to acknowledge ongoing performance issues and extreme	Employee

Close

Looking for more information?

To sign into Westlaw Australia, visit <https://aulaw.thomsonreuters.com>

For assistance using Westlaw Australia, call 1800 020 548

To request training, click <https://support.thomsonreuters.com.au/request-training>

For additional training materials, visit <https://support.thomsonreuters.com.au/>