

Worksheet: Preparing for mediation

You can print this worksheet and fill it out to help you prepare for your mediation.

Once you have filled it out, take this worksheet with you to the mediation and use it to help you remember important information. Don't give the worksheet to the employer, the mediator, or the Court. These notes are just for you.

1. Check the time and date of the mediation

If there is a very good reason why you cannot attend at this time, contact the Court (or the Fair Work Commission if the mediation is there) straight away. Write any arrangements you need to make to be available at this time. For example:

- arrange child care
- arrange time off from work

2. Read the employer's response

Use this space to write down notes about the employer's Response to your application, including anything you believe is wrong or misleading.

3. Understand how the law applies to your case

Read about recovering unpaid wages and entitlements

You should make sure you understand national laws about unpaid wages and entitlements and how they apply to you.

Read the information on this website on [Right to wages and entitlements](#) and [What am I entitled to?](#). Use this space to write down notes about how the law applies to your case. You could write down what award, enterprise agreement or national employment standard applies to your case.

Get advice on Centrelink and other payment

Do you get:

- Centrelink benefits, or
- payments for a WorkCover claim?

You can contact [Centrelink](#) or [Workcover](#) and get advice on what will happen to these payments if your employer agrees to pay you any unpaid wages or entitlements to settle the case.

Get legal advice

You should get legal advice. You can talk to a lawyer about:

- the strength of your case
- what you might get if you went to hearing
- whether you are owed any other amounts of money.

You will need the Court's permission if you are using the small claims procedure in the Federal Circuit and Family Court of Australia and you want a lawyer to represent you.

Use this space to write down notes about how the law affects your case.

4. Think about what you want to end the dispute

Think about what you want to ask for at mediation.

You should think about what the lowest amount is that you would be willing to accept.

Something else

Use this space to write down notes on anything else you want to ask for. For example:

- an agreement that you and the employer will not say bad things about each other
- a reference or statement of service (if you resigned or were dismissed).

5. Work out your legal costs and expenses

If you have a lawyer, you should ask your lawyer to prepare a bill of all your costs and expenses up to and including the day, or days, of mediation. That way you will be able to work out how much you will have to pay your lawyer before accepting any offers. Use this space to write down your legal costs and expenses:

6. Organise your documents

Prepare a list of the documents you want to have available during the mediation. It is helpful to have the documents in order, for example, from the earliest date to the most recent.

Some documents you should have are:

- your notes and/or a copy of this worksheet
- a copy of your application
- a copy of the employer's Response
- your most recent pay slips
- chronology (if you prepared one)
- letters or emails from your employer to you about wages or entitlements.