

### THE ARCH CLAIMS EXPERIENCE:

**Pragmatic** – Recognised when early settlement served everyone's interests

**Business-focused** – Prioritised preserving management time and resources

**Solutions-oriented** – Balanced legal realities with commercial outcomes

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### What Happened

Our client faced ongoing performance challenges with a long-standing employee whose work was falling short of the essential requirements of their role. The genuine concerns led to a decision to terminate the employment on performance grounds.



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### The Fallout

The former employee filed proceedings with the Fair Work Commission, seeking unfair dismissal remedies exceeding \$25,000. They claimed they hadn't been given a fair opportunity to address the performance concerns before dismissal which revealed a procedural gap that put our client in a vulnerable position.



### The Challenge

Our claims handler, working closely with legal advisors, recognised that while the performance issues were legitimate, the lack of a formal improvement process created significant liability exposure. The question wasn't whether the concerns were real, but whether the process had been fair.



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### Our Approach

Rather than pursuing protracted litigation that would drain both financial resources and management time, Arch's team facilitated early conciliation discussions. By taking a commercial approach, whilst still recognising the genuine performance concerns, we were able to negotiate a pragmatic settlement that worked for all parties.



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### The Result

The matter was resolved at conciliation, sparing our client months of uncertainty and allowing management to focus on running their business. Our client was indemnified for both defence costs and the settlement amount, with the total payout of \$17,500 representing a fraction of what protracted litigation could have cost.

