

# When we ask you to respond to an application

## Case management process for sexual harassment disputes

If someone begins a case at the Fair Work Commission that involves you, we will ask you to respond to their claims. From there, we will try to help you resolve the case with the other people involved. This process can take several weeks.

**This guide explains the first stage of a workplace sexual harassment case at the Commission.**

These are the steps we usually take to deal with an application before it is referred to a Commission Member. A Commission Member is the person who helps to resolve the case. We will explain more about that part of the process later.

Sometimes we might deal with cases differently. We will let you know during the case how things will proceed and what you need to do.

### We haven't decided yet if sexual harassment has happened

First, we need to ask everyone in the case to have their say. We know people have different views, so it's important that we hear from everyone.

We know this process can be stressful. Our case managers will try to support you throughout this process. Please contact us if you need extra support.

Below is a summary of the steps:



### Step 1 – We will call you

The first thing we do when we receive an application is call you.

If we haven't been able to speak to you yet, please contact us. If there's a good time for us to call, please let us know. We will do our best to accommodate it.

During the call, we will:

- **Explain how the Commission will deal with your case** – We won't ask for your side of the case during the call. Later, we will send you a form to fill in. This is where you can write down your side. We will let you know if we need you to do anything else.

During the call, we can answer any questions you have about the process and what to expect during your case.

- **Check to see if there is any extra support or help you need** – We can let you know about how to find legal advice, if you want it. We can also provide you with information about support services.

We also have information on our website about [legal help and representation](#) and [support for your health and wellbeing](#).

You can have a support person with you when we call. If you need an interpreter, we can arrange one at no cost.

## Step 2 – We will write to you

We will write to you to ask you to respond the claims.

We will send you:

1. **A copy of the applicant’s form** – The person who started the case is called the applicant. We will send you a copy of their application so that you can read what they have said.
2. **A response form for you to complete** – The form will ask you to respond to the claims. This is how to start telling us your side of the case. In some cases, we may send you 2 forms. We will let you know what you need to complete and whether the forms are optional or not.

You will have 1 week to complete the form and send it back to us. This won’t be your only opportunity to provide information. If you forget to include something, or if you don’t have access to all the information that you want to include, you can send that to us later.

We will also ask the other parties to respond to the applicant’s claims.

## Step 3 – We will share everyone’s responses

Once you have returned your form to us, we will send a copy to the other people in the case. We will remove your home address before we do this.

If we also receive responses from anyone else in the case, we will share theirs with you.

This way, everyone can understand everyone else’s views. We do this so that the process is open and fair.

If you are worried about particular information being passed on, you should contact us before sending it to us.

## Step 4 – We will write to you about the next steps

After everyone has a chance to respond, we will write to you again with information about the next steps. What happens next will depends on the case and how we think it might be best resolved.

If you’d like general information on how cases about sexual harassment may proceed, you can read about [how Commission Members may deal with disputes](#) on our website.