



# About the F73 employer/principal response form

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## Response from an employer or principal to an application for an order to stop bullying or sexual harassment (or both)

### Use this form if:

- someone has asked the Fair Work Commission to make an order to stop workplace bullying and/or sexual harassment at work, and
- we have asked you to respond to their claims.

This form is your first step in telling us your side of the case.

### Once you have completed your form:

- Sign your form.
- Return it to us.
- Send a copy to the other people in the case.

You need to do this **by the due date in the letter** we sent you. There is more information at the end of the form.



**We will send a copy of your form to the other people in this case**, as well as any attachments. This is so they can understand your side of the case.

**If you are worried about particular information being passed on, don't include it yet.** Send us your completed form and then contact us to talk about whether you should provide the information.

**If you need help** you can visit our website to find out more [bullying at work](#) and [sexual harassment at work](#) or you can [contact us](#).

## Form F73 – Response from an employer/principal to an application for an order to stop bullying or sexual harassment (or both)

[Fair Work Act 2009](#), s. 789FC, Fair Work Commission Rules 2013, rule 23A

This is a response to an application to the Fair Work Commission (the Commission) for an order to stop bullying or sexual harassment (or both) under Part 6-4B of the [Fair Work Act 2009](#).

### Case details

#### 1. Write the case details below

You will find these details in the letter we sent you with this form. The **Applicant** is the worker who made the application.

<b>Applicant's first name(s)</b>	
<b>Applicant's surname</b>	
<b>Commission case number</b>	

### Your details (the employer/principal)

#### 2. Provide details for the employer/principal (you)

The **employer/principal** is:

- the person or organisation who employs or engages the worker who made the application (the Applicant), and/or
- the person or organisation who employs or engages a person who has allegedly engaged in bullying or sexual harassment (or both).

Your business details	
<b>Legal business name</b>	
<b>Business ABN or ACN</b>	
<b>Trading name or registered business name</b>	
Contact person	
<b>Title</b>	<input type="checkbox"/> Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Ms <input type="checkbox"/> Other please specify:
<b>Name</b>	

<b>Position/role</b>			
<b>Email address</b>			
<b>Phone number</b>			
<b>Business postal address</b>			
<b>Street address or PO Box</b>			
<b>Suburb</b>			
<b>State or territory</b>		<b>Postcode</b>	

**Note:** If you give us a mobile number, we may send you reminders by SMS.

### 3. 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 – What language?

No

### 4. Do you need any special assistance at a conference or hearing (e.g. do you have hearing difficulties)?

If you answer yes, we will contact you before a hearing or conference to see if there is anything we can reasonably do to assist you.

Yes – What do you need?

No

### 5. What is your relationship to the Applicant?

The **Applicant** is the worker who made the application.

I am the Applicant's employer or principal

I am the employer or principal of one or more people the Applicant says has bullied or sexually harassed them at work

Other – If you think they should have put someone else's details in their application, please provide any information you have about who the correct party might be.

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## 6. Do you have a representative?

A **representative** is a person who acts for you in the case but who isn't an employee of your business. They could be a lawyer, another kind of paid agent or an employer organisation.

**No** I don't have a representative — Go to question 7

**Yes** I do have a representative — Fill in their contact details below

You will need to ask us for formal permission to be represented by a lawyer or paid agent if a Commission Member holds a conference or hearing about the case. Our [lawyers and paid agents practice note](#) explains when you need to ask for permission to be represented.

<b>Name of person representing you</b>		
<b>Firm, union or company</b>		
<b>Email address</b>		
<b>Phone number</b>		
<b>Postal address</b>		
<b>Suburb</b>		
<b>State or territory</b>	<b>Postcode</b>	
<b>Is your representative a lawyer or paid agent?</b>		
<input type="checkbox"/> Yes		
<input type="checkbox"/> No		

## The workplace

### 7. Is the Applicant still employed, engaged or otherwise connected to the place where the alleged bullying or sexual harassment (or both) took place?

Yes

No

I don't know

- 8. The Applicant has named one or more people in question 7 of their application who they say bullied or sexually harassed them at work. Are these people still employed, engaged or otherwise connected to the place where the alleged bullying or sexual harassment (or both) took place?**

Name of person said to have engaged in bullying or sexual harassment (or both)	Are they still connected to the workplace? Yes / No / I don't know

### Jurisdictional or other objections

**9. Do you have an objection to the application?**

A jurisdictional objection means that you think there are technical or legal reasons why the worker is not eligible to make an application to the Commission. It is not simply that you disagree with the claims they have made. The Commission's [Anti-bullying Benchbook](#) and [Sexual Harassment Benchbook](#) have more information on jurisdictional objections.

Yes — Go to question 10

No — Go to question 11

**10. What is your objection?**

Tick all that apply. Provide details of any objections below.

The Applicant does not meet the definition of a 'worker'

The Applicant is not working in a 'constitutionally-covered business'

The Applicant was not at work when the alleged bullying or sexual harassment (or both) occurred

The alleged bullying was reasonable management action, carried out in a reasonable manner (in response to an application for an order to stop bullying only)

The Applicant is a member of the Defence Force

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The application relates to matters involving Australia's defence or national security, or an existing or future covert or international operation of the Australian Federal Police

Other

Provide details of any objections. Attach extra pages if necessary.

[Empty box for providing details of objections]

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## Complaints made by the Applicant

**11. Has the Applicant made a complaint about the alleged bullying or sexual harassment (or both)?**

Yes — Go to question 12

No — Go to question 13

I don't know — Go to question 13

**12. Describe the complaint made by the Applicant and the steps you have taken in response. Provide details of the outcome of any investigation.**

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**Policies and procedures****13. Do you have a bullying or sexual harassment policy or any procedure for handling grievances or disputes?**

Yes — Go to question 14

No — Go to question 16

**14. Did the Applicant make a complaint in accordance with a bullying or sexual harassment policy or procedure?**

Yes — Go to question 15

No — Go to question 16

**15. Was the complaint managed in accordance with the policy or procedure?**

Yes

No

The complaint is still being managed under our policy or procedure

**Reasonable management action, including performance management and/or disciplinary action****16. Has the Applicant been advised that they are not performing their duties to the required standard or that they are facing disciplinary action?**

Yes — Go to question 17

No — Go to question 18

**17. Provide details of any performance or conduct concerns requiring disciplinary action, and any steps taken to manage these concerns that may relate to the allegations of bullying or sexual harassment (or both).**

**Your response to the claims**

**18. What is your response to the Applicant’s claims that they are being bullied or sexually harassed (or both) at work?**

The person who has made this claim has told us their side of the case. You’ll find it at question 13 of their application form. (We sent you a copy at the same time we sent you this form.) Write a response to what they’ve written.



## Sign your form

**Privacy** Read the [Privacy notice](#) to find out what personal information we collect, why we collect it, and what we do with it.

**Disclosure of information** Under section 655 of the *Fair Work Act 2009*, the President of the Commission may disclose, or authorise the disclosure of, this application if he or she reasonably believes that the disclosure would be likely to assist in the administration or enforcement of a Commonwealth or State or Territory law.

### Signature

If you can use an electronic signature, please insert it below. If do not have an electronic signature, you can type your name in the signature box.

### Name

### Date

### Capacity/position

Leave this blank if you are the employer/principal responding to an order to stop bullying or sexual harassment (or both). If you are signing on behalf of the employer/principal, write your role here.

### Consent to contact by researchers

The Commission undertakes research with participants in anti-bullying and sexual harassment matters to ensure a high quality process. Some research may be undertaken by external providers on behalf of the Commission.

Do you consent to your contact details being provided to an external provider of research services for the sole purpose of inviting you to participate in research?

Yes

No

## Send us your form

Send us your form and any attachments by:

- Email to [melbourne@fwc.gov.au](mailto:melbourne@fwc.gov.au)
- Post or fax to your nearest [Commission office](#).

Do this **by the due date in the letter** we sent you.

## Send your form to the other people in this case

Send a copy of your form and any attachments to:

- the worker who has made the application (the Applicant), and
- any other employer or principal named in the application, and
- each person the Applicant says bullied or sexually harassed them.

Use the contact details listed in the Applicant's form (the Form F72)

Do this **by the due date in the letter** we sent you.

## What happens next

Once all the people involved in the case have sent us their forms, a Member of the Commission will decide next steps. This could be a conciliation, conference or hearing.

Visit our website to find out more about [bullying at work](#) and [sexual harassment at work](#).