



About the F76 response


Individual Respondent's response to an application to deal with a sexual harassment dispute

Use this form if:

- someone has alleged that you sexually harassed them in connection with work on or after 6 March 2023, and
- the Fair Work Commission has been asked to deal with a sexual harassment dispute about the allegations.

This makes you a **Respondent** to the dispute.

Completing this form is your first step in telling us your side of the case. You do not have to provide evidence in support of your response at this stage.

There are two types of sexual harassment application that can be made to the  Commission. Use this form to respond to an application made using Form F75. If you are responding to an application made using a Form F72A, you should use Form F74A to respond. You can find the form number at the top of the application form.

Once you have completed your form:

- Sign your form.
- Return it to us **by the due date in the letter** we sent you – send us your form by:
 - email to ABSH@fwc.gov.au, or
 - post or in person at the [Commission's office](#) in your state or territory.



We will send a copy of this form (and any attachments) to the other people in this case. This may include:

- each aggrieved person, and
- each industrial association that is an Applicant (if any)
- any other respondents
- each employer/principal
- any representatives or paid agents involved in the case.

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.

You can find out more about [keeping a case confidential](#) on our website.

What happens next

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

Where to get help

Commission staff & resources

Commission staff cannot provide legal advice. However, staff can give you information on:

- Commission processes
- how to fill out forms
- where to find useful documents such as legislation and decisions
- other organisations that may be able to assist you.

Visit our website to find out how to [contact us](#) or for information about [sexual harassment in connection with work](#).

Form F76 – Individual Respondent’s response to an application to deal with a sexual harassment dispute

[Fair Work Act 2009](#), s.527F

This is a response from an individual Respondent to an application for the Fair Work Commission (the Commission) to deal with a sexual harassment dispute under Part 3-5A 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 person or industrial association that made the application.

Leave the first row blank (Applicant’s first name) if the Applicant is an industrial association.

Applicant’s first name(s)	
Applicant’s surname/ name of industrial association	
Commission case number	

Part 1 – About the parties and what happened

2. Your details

We send a copy of this form to the other people in the case. We will remove your postal address before sending this form. If you are concerned about any of your other contact details being provided to the other people in the case, please contact us.

If you are under 18 years, the Commission encourages you to have a parent or guardian, or a legal representative, involved. We can provide further information about how to find legal services.

Title	<input type="checkbox"/> Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Ms <input type="checkbox"/> Other please specify:
First name(s)	
Surname	
Email address	
Phone number	

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Postal address			
Suburb			
State or territory		Postcode	
How old are you?	<input type="checkbox"/> 18 years or over (adult)		
	<input type="checkbox"/> Under 18 years		

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

3. Do you have a representative?

A **representative** is a person who speaks for you in your case, such as a lawyer, a union or a paid agent. You don’t need to have a representative. You can read more about [whether or not to have a representative](#) on our website.

A representative is different from a **support person**. A support person is someone you bring with you to a legal proceeding who can give you emotional support, such as a family member or friend.

No I don’t have a representative – Go to question 4

Yes I have a representative – Fill in their contact details below

You will need to ask for permission to be represented by a lawyer or paid agent if a Commissioner 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. Our benchbook has more information about permission to be represented.

Name of person representing you			
Firm, company or organisation			
Email address			
Phone number			
Postal address			
Suburb			
State or territory		Postcode	

Is your representative a lawyer or paid agent?

Yes

No

About your work

4. Were you working when the alleged sexual harassment happened?

I was not working – Go to question 7

I was working for myself – Go to question 7

I was working for someone else (an employer/principal) – Go to question 5

5. About your employer/principal

Your **employer/principal** is the person, business or undertaking you worked for when the alleged sexual harassment happened. You might find the legal name of your employer/principal on pay slips, remittance advices, PAYG payment summaries, appointment letters or work or employment contracts. You can use the [Australian Business Register](#) website to look up their ABN.

Employer/Principal’s details			
Legal name			
ACN (if a company) and/or ABN			
Street address or PO Box			
Suburb			
State or territory		Postcode	
Contact person			
Title	<input type="checkbox"/> Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Ms <input type="checkbox"/> Other please specify:		
Name			
Position/role			
Email address			
Phone number			

6. Do you still work for the employer/principal? Yes No**About the aggrieved person**

The **aggrieved person** is the person who alleges that you sexually harassed them in connection with their work (that is, when they were a worker, or seeking to become a worker, or when they were conducting a business or undertaking). In some cases there is more than one aggrieved person.

7. Provide details about your connection with each aggrieved person

Do you know the aggrieved person(s)?

 No – Go to question 8 Yes – see below

If you answered Yes to this question, describe how you know them and when and where you might interact with them in connection with their work, including if this has happened in the past.

Connection to each aggrieved person (if any)	
Name of aggrieved person	Interactions with the aggrieved person in connection to their work

Jurisdictional or other objections**8. Do you have an objection to the application?**

You can object to the application if you think there are technical or legal reasons why the aggrieved person or applicant is **not eligible** to make an application to the Commission or that the application should be dismissed. An objection is more than simply that you disagree with the claims they have made.

 Yes – go to question 9 No – go to question 10

9. What is your objection?

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

- The aggrieved person was not either:
- a worker in the business or undertaking when the alleged sexual harassment occurred
 - seeking to become a worker in the business or undertaking when the alleged sexual harassment occurred, or
 - a person conducting a business or undertaking when the alleged sexual harassment occurred
- There is no future risk of alleged sexual harassment of the aggrieved person
- The Applicant is not entitled to represent the industrial interests of the aggrieved person(s) (where the Applicant is an industrial association)
- The aggrieved person is a member of the Defence Force
- The application might involve matters relating to Australia’s defence or national security, or an existing or future covert or international operation of the Australian Federal Police
- The alleged sexual harassment occurred more than 24 months before the application was made
- No application has been made for a stop sexual harassment order and there is another application or complaint under anti-discrimination law or the *Australian Human Rights Commission Act 1986* about the same conduct
- Other

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

Your response to the claim

10. What is your response to the allegations that you sexually harassed the aggrieved person(s) in connection with their work?

You can find the aggrieved person’s side of the case at question 9 of the application form (Form F75). We sent you a copy at the same time we sent you this form. Write a response to what they’ve written. If there is more than one aggrieved person in the case, make sure you respond to the allegations made by each person. Attach additional pages if necessary.



You have the right not to provide information if you believe on reasonable grounds that the information may tend to prove that you have committed a criminal offence. Please tell us if you elect not to answer the question on this basis.

Part 2 – Stop sexual harassment orders



Only complete this Part if the applicant filled in Part 2 of the F75 application form. If Part 2 of the application form is blank, go to Part 3.

Connection to work



The Commission can only make a stop sexual harassment order if there is a risk that the aggrieved person(s) will continue to be sexually harassed in connection with work.

11. Is it likely that you will interact with the aggrieved person(s) in connection with their work again?

Yes

No

Not applicable – I have never interacted with the aggrieved person(s).

12. How do you think the Commission should deal with the dispute?

The applicant has provided information about what they think needs to happen to stop the alleged sexual harassment from happening again (see question 15 of the Form F75 application). The Commission cannot make an order for the payment of money (including compensation) as part of a stop sexual harassment order.

You can find more information about the kind of orders the Commission can make [our website](#).

Part 3 – Otherwise dealing with the dispute



Complete this Part if the applicant filled in Part 3 of the F75 application form. If Part 3 of the application form is blank, go to Part 4.

13. What is your response to the answer at question 16 of the application form (Form F75)?

You can find more information about the Commission’s power to deal with [sexual harassment disputes](#) on our website.

Part 4 – Assistance in accessing the Commission’s services**14. Do you need an interpreter?**

We can arrange to provide information in another format. You can find information about [help for non-English speakers](#) on our website.

Yes – What language?

No

15. Does someone involved in the case need any special assistance at a conference or hearing (eg due to sight or 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.

Yes – What do you need?

No

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 are using an electronic signature, insert it below. If do not have an electronic signature, type your name in the signature box.

Name

Date**Capacity/position**

Leave this blank if you are the individual respondent who completed this form. If you are signing on behalf of a respondent, write your role here.

Consent to contact by researchers

The Commission undertakes research with participants in sexual harassment disputes 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