



About the F73A employer/principal response form

Response from an employer or principal to an application for an order to stop sexual harassment that commenced prior to 6 March 2023

Use this form if:

- someone has asked the Fair Work Commission to make an order to stop sexual harassment at work,
- the alleged sexual harassment happened or started prior to 6 March 2023,
- the application to the Fair Work Commission was made using a Form F72A, and
- we have asked you to respond to their claims.

This form is your first step in telling us your side of the case. Evidence in support of the response is not required at this stage.

Once you have completed your form:

- Have the form signed by an authorised person.
- 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.



If you don't send a copy of this form (and any attachments) to the other people in the case, we may do so.

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

Form F73A – Response from an employer/principal to an application for an order to stop sexual harassment that commenced prior to 6 March 2023

[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 sexual harassment 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.

Applicant's first name(s)	
Applicant's surname	
Commission case number	

About the employer/principal

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 harassment.

Details of employer/principal	
Legal name	
ACN (if a company) and/or ABN	
Trading name or registered business name	

Form F73A – Response from an employer/principal to an application for an order to stop sexual harassment that commenced prior to 6 March 2023

Contact person			
Title	[] Mr [] Mrs [] Ms [] Other please specify:		
Name			
Position/role			
Email address			
Phone number			
Address of employer/principal			
Street address or PO Box			
Suburb			
State or territory		Postcode	

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

2. 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

3. Is there a need for any special assistance at a conference or hearing (eg because of 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

Form F73A – Response from an employer/principal to an application for an order to stop sexual harassment that commenced prior to 6 March 2023

4. What is the employer/principal’s relationship to the Applicant?

- The Applicant’s employer or principal
- The employer or principal of one or more people the Applicant says 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.

5. Does the employer/principal have a representative?

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

- No** — Go to question 6
- Yes** — Fill in their contact details below

Permission is needed 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](#) and our benchbook has more information about permission to be represented.

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

The workplace

6. Is the Applicant still employed, engaged or otherwise connected to the place where the alleged sexual harassment took place?



The Commission can only make an order to stop sexual harassment if there is a risk that the Applicant will continue to be sexually harassed at work.

Yes

No

I don't know

If you answered No or I don't know to this question, tell us what you know about what has happened to the work relationship (for example, the employment has ended).

7. The Applicant has named one or more people in question 6 of their application who they say sexually harassed them at work. Are these people still employed, engaged or otherwise connected to the place where the alleged sexual harassment took place?

Name of person said to have engaged in sexual harassment	Are they still connected to the workplace? Yes / No / I don't know If the answer is No, please tell us why:

Jurisdictional or other objections

8. Does the employer/principal have an objection to the application?

An objection can be made to the application if you think there are technical or legal reasons why the worker is not eligible to make an application to the Commission or is unlikely to succeed. An objection is more than simply that there is a dispute about the claims they have made. The Commission's [Sexual harassment benchbook](#) have more information on jurisdictional objections.

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 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 sexual harassment occurred

The Applicant is a member of the Defence Force

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.

Complaints made by the Applicant

10. Before making their application to the Commission, did the Applicant make a complaint about the alleged sexual harassment

- Yes – see below
- No – Go to question 11
- I don't know – Go to question 11

If you answered Yes to this question, describe the complaint made by the Applicant and any steps taken in relation to the complaint, including the outcome of any investigation.

Policies and procedures

11. Does the employer/principal have a sexual harassment policy or any procedure for handling grievances or disputes?

- Yes – Go to question 12
- No – Go to question 14

12. Did the Applicant make a complaint under the sexual harassment policy or procedure?

- Yes – Go to question 13
- No – Go to question 14

Form F73A – Response from an employer/principal to an application for an order to stop sexual harassment that commenced prior to 6 March 2023

13. Was the complaint dealt with under the policy or procedure?

Yes

No

The complaint is still being managed under our policy or procedure

Your response to the claims

14. What is the employer/principal’s response to the Applicant’s claims that they are being sexually harassed at work?

The Applicant has told us their side of the case. You’ll find it at question 11 of their application form. Write a response to what they’ve written.



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.

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

Describe your authority to sign this form here (for example, your role in the organisation).

Consent to contact by researchers

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

Form F73A – Response from an employer/principal to an application for an order to stop sexual harassment that commenced prior to 6 March 2023

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 ABSH@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 F72A)

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 [sexual harassment at work](#).