



## About the F77 response form

### Response from employer/principal to an application to deal with a sexual harassment dispute

#### Use this form if:

- an application has been made to deal with a sexual harassment dispute using the Form F75, and
- the alleged sexual harassment happened or started on or after 6 March 2023, and
- the application seeks a stop sexual harassment order and a response is required from the employer/principal or prospective employer/principal of the **aggrieved person**, or
- the application asks the Fair Work Commission to otherwise deal with the dispute, and a response is required from the employer/principal of an individual **respondent** to the dispute.

An **aggrieved person** is a person who alleges they have been sexually harassed in connection with work when they were a worker or were seeking to become a worker in a business or undertaking, or when they were conducting a business or undertaking.

An individual **respondent** is a person who is alleged to have sexually harassed an aggrieved person in connection with work.

A person who employs or engages an individual respondent is also known as a **principal**.

This form is the first step in telling us the employer/principal's side of the case. You do not have to provide evidence in support of your response at this stage.

#### Once you have completed your form:

- Have the form signed.
- Return it to us.

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 this form (and any attachments) to the other people in this case.**

This may include:

- each aggrieved person

- each industrial association that is an Applicant (if any)
- each respondent
- any other employer/principal
- any legal 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 the sexual harassment dispute confidential](#) on our website.

You can find out more about [sexual harassment in connection with work](#) on our website.

# Form F77 – Response from employer/principal to an application to deal with a sexual harassment dispute

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

This is a response to an application to 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.

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

## Part 1 – About the parties and what happened

### 2. Provide details for the employer/principal

Employer/principal details			
<b>Legal name</b>			
<b>ACN (if a company) and/or ABN</b>			
<b>Trading name or registered business name</b>			
<b>Street address or PO Box</b>			
<b>Suburb</b>			
<b>State or territory</b>		<b>Postcode</b>	

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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>	

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

### 3. What is the employer/principal's relationship to the aggrieved person(s) and/or the individual respondent(s)?

You can find information about the aggrieved person(s) at question 3 of the application form. The respondents are listed at question 7 of the application form.

Add extra rows if you need to provide information about more people.

Relationship to each aggrieved person (if any)	
Name of aggrieved person	Relationship

Relationship to each respondent (if any)	
Name of respondent	Relationship

If you think the application should have included someone else’s details, please provide any information you have about who the correct person might be.

**4. Does the employer/principal have a representative?**

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

- No** I don’t have a representative – Go to question 5
- 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 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 representative</b>	
<b>Firm, company or organisation</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 the representative a lawyer or paid agent?</b>			
<input type="checkbox"/> Yes			
<input type="checkbox"/> No			

## Jurisdictional or other objections

### 5. 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.

Yes – Go to question 6

No – Go to question 7

### 6. What is your objection?

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

The aggrieved person was not one of the following:

- 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
- a person conducting a business or undertaking when the alleged sexual harassment occurred

There is no future risk of the 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 (union))

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

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- 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 any objections. Attach extra pages if necessary.

### **Employer/principal's response to the allegations**

**7. Does the employer/principal have a sexual harassment policy or a procedure for handling complaints, grievances or disputes about sexual harassment?**

- Yes – Go to question 8
- No – Go to question 9

**8. Was a complaint made by the aggrieved person about sexual harassment before the application was made to the Commission?**

- Yes – see below
- No – Go to question 9

If you answered Yes to this question, please provide details below. Briefly describe the complaint that was made, when it was made, and any steps the employer/principal took in relation to the complaint. If the complaint was made under a policy or procedure,

explain how the policy was followed and whether the policy or process has concluded. If the complaint was investigated, include any outcome of the investigation, including whether the aggrieved person was informed of the outcome.

**9. What is the employer/principal's response to the aggrieved person's allegations?**

You can find the aggrieved person's side of the case at question 9 of the Form F75 application. A copy was sent to the employer/principal at the same time we sent this form. If you are the employer/principal of a respondent who is alleged to have sexually harassed an aggrieved person, please detail any steps taken to prevent the alleged sexual harassment from happening.



A person has the right not to provide information if they believe on reasonable grounds that the information may tend to prove that they have committed a criminal offence. Please tell us if an election has been made not to answer the question, either in part or in full, 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 the workplace**



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.

**10. Is there a risk that the aggrieved person(s) will interact with one or more of the respondents in the future?**

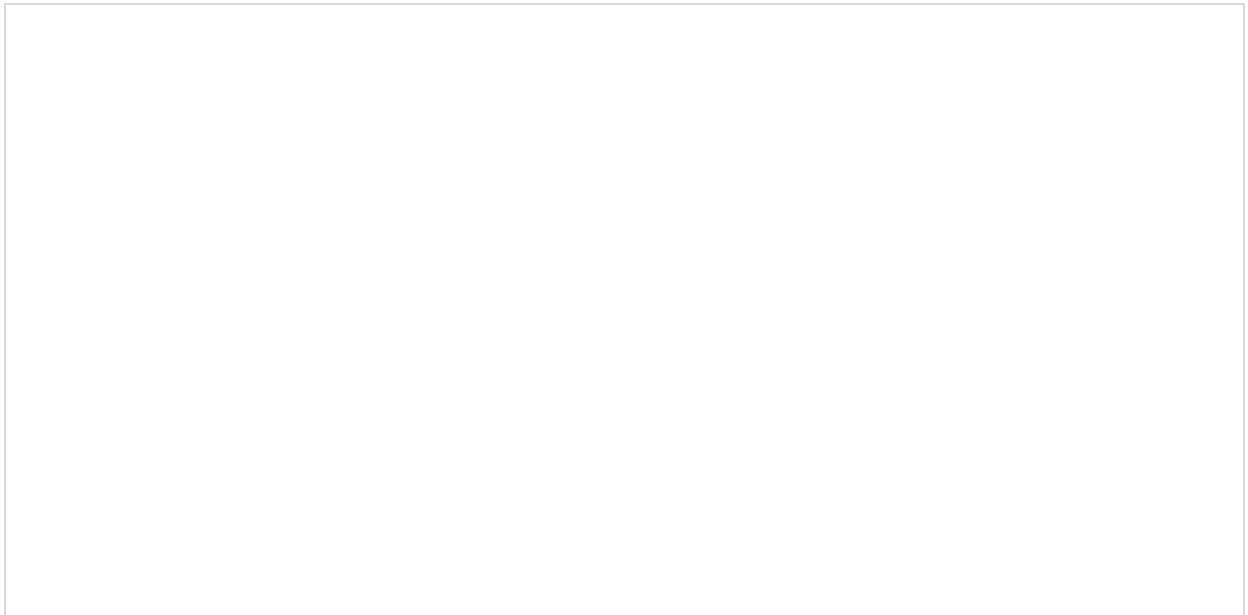
Name of aggrieved person	Risk of future interaction with respondent(s) Yes / No / I don't know Please explain your answer

## Outcomes

### **11. How do you think the Commission should deal with the application for a stop sexual harassment order?**

The Commission cannot make an order for the payment of money (compensation) as part of a stop sexual harassment order.

You can find more information about the kind of orders the Commission can make on [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.

#### **12. What is your response to the outcome the applicant is seeking at question 16 of the application form?**

You can find more information about the powers of the Commission when otherwise dealing with sexual harassment disputes on [our website](#).

## Part 4 – Assistance in accessing the Commission’s services

### 13. Does someone involved in the case 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 – Who needs an interpreter? What language?

No

### 14. 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

## Have this form signed

**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 employer/principal. 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 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

**Send us this form**

Send us this form and any attachments by:

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

Do this **by the due date in the letter** we sent to the employer/principal.

**We will send the form to the other people in this case**

We will send a copy of this completed form and any attachments to the following people or their representatives named in the Form F75 application form:

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

## **What happens next**

A Member of the Commission will decide on the next steps. This could be a conciliation, conference or hearing.

Visit our website to find out more about [sexual harassment in connection with work](#).