Instructions for filling out a General Protections Application (Form F8)
These are instructions. It is important to complete this form with your own details and based on your own circumstances. If you need more help get legal advice.

FAIR WORK COMMISSION

Form F8—General Protections Application

*Fair Work Act 2009*, ss.365 and 372

This is an application to the Fair Work Commission for a general protections dispute in accordance with Part 3-1 of the *Fair Work Act 2009*.

The Applicant

These are the details of the person who is making the application.

<table>
<thead>
<tr>
<th>Title</th>
<th>[ ] Mr [ ] Mrs [ ] Ms [ ] Other please specify: Tick the box or write in the title that you use.</th>
</tr>
</thead>
<tbody>
<tr>
<td>First name(s)</td>
<td>Write your first name or names here.</td>
</tr>
<tr>
<td>Surname</td>
<td>Write your surname here.</td>
</tr>
<tr>
<td>Postal address</td>
<td>Write your postal address here.</td>
</tr>
<tr>
<td>Suburb</td>
<td>Write the suburb here.</td>
</tr>
<tr>
<td>State or territory</td>
<td>Write NSW.</td>
</tr>
<tr>
<td>Postcode</td>
<td>Write your postcode here.</td>
</tr>
<tr>
<td>Phone number</td>
<td>Write your landline number (if you have one), or your mobile number (if you have one), or both.</td>
</tr>
<tr>
<td>Fax number</td>
<td>Write your fax number here. If you include a fax number, the Commission may send you documents by fax.</td>
</tr>
<tr>
<td>Email address</td>
<td>Write your email address here. If you include an email address, the Commission may send you documents by email.</td>
</tr>
</tbody>
</table>

If the Applicant is an industrial organisation please also provide the following information

<table>
<thead>
<tr>
<th>Name of organisation</th>
<th>Do not fill in this section.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contact person</td>
<td></td>
</tr>
<tr>
<td>Phone number</td>
<td></td>
</tr>
<tr>
<td>Email address</td>
<td></td>
</tr>
</tbody>
</table>

How would you prefer us to communicate with you? Choose how you want to be contacted.

[ ] Email (you will need to make sure you check your email account regularly)

[ ] Post

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FAIR WORK COMMISSION
Form F8—General Protections Application

Does the Applicant need an interpreter?

If the Applicant requires an interpreter (other than a friend or family member) in order to participate in conciliation, conference or hearing, the Fair Work Commission will provide an interpreter at no cost.

[ ] Yes—Specify language
[ ] No

Does the Applicant require any special assistance at the hearing or conference (e.g., a hearing loop)?

[ ] Yes—Please specify the assistance required
[ ] No

Does the Applicant have a representative?

A representative is a person or business who is representing the Applicant. This might be a lawyer, a union or a family member or friend who will speak on behalf of the Applicant. There is no requirement to have a representative.

Only tick ‘Yes’ if you have someone representing you (for example, a lawyer or a union official).

[ ] Yes—Provide representative’s details below
[ ] No

Applicant’s representative

These are the details of the person or business who is representing the Applicant. This section will be filled in if you have someone representing you. The person representing you will fill this in.

<table>
<thead>
<tr>
<th>Name of person</th>
</tr>
</thead>
<tbody>
<tr>
<td>Firm, union or company</td>
</tr>
<tr>
<td>Postal address</td>
</tr>
<tr>
<td>Suburb</td>
</tr>
<tr>
<td>State or territory</td>
</tr>
<tr>
<td>Phone number</td>
</tr>
<tr>
<td>Email address</td>
</tr>
</tbody>
</table>

About the Applicant Tick the box that describes how you worked.

The Applicant is making this application with regard to alleged action taken against them while they were:

[ ] An employee
[ ] A prospective employee
[ ] An independent contractor

Instructions only. This is not legal advice.
The Respondent

These are the details of the person or business responding to the application. Note that the Commission will send a copy of your application to the contact person you name below.

<table>
<thead>
<tr>
<th>Field</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Legal name of business</td>
<td>Write the legal name of your employer. If your company is a Pty Ltd this is usually the legal name. If your employer is a sole trader then this will be his or her name. You should find this name on your payslips, letter of offer or contract of employment. If you are unsure, get legal advice.</td>
</tr>
<tr>
<td>Trading name of business</td>
<td>Write the business or trading name of your employer. Your company may trade under a name that is different to its Pty Ltd name. You should find this on your payslips, letter of offer or contract of employment. If you are unsure, get legal advice.</td>
</tr>
<tr>
<td>ABN/ACN</td>
<td>Write the Australian Business Number or Australian Company Number of your employer. This number should be on your payslips, your tax records or your letter of offer or on company letterhead or cards. If you are unsure, get legal advice.</td>
</tr>
<tr>
<td>Contact person</td>
<td>Write the person who you think the Fair Work Commission should contact. This could be the owner of the company, the manager or your supervisor.</td>
</tr>
<tr>
<td>Postal address</td>
<td>Write the employer’s postal address here.</td>
</tr>
<tr>
<td>Suburb</td>
<td>Write the name of the suburb here.</td>
</tr>
<tr>
<td>State or territory</td>
<td>Write the state, for example NSW.</td>
</tr>
<tr>
<td>Postcode</td>
<td>Write the postcode here.</td>
</tr>
<tr>
<td>Phone number</td>
<td>Write the telephone number of the contact person here.</td>
</tr>
<tr>
<td>Fax number</td>
<td>Write the fax number of the contact person here.</td>
</tr>
<tr>
<td>Email address</td>
<td>Write the email address of the contact person here.</td>
</tr>
</tbody>
</table>

1. General protections dismissal

1.1 Have you been dismissed?

A dismissal can be at the initiative of the employer. In some circumstance, a demotion, a forced resignation or constructive dismissal may be considered a dismissal. The meaning of dismissed can be found at section 386 of the Fair Work Act 2009.

Tick yes if you were dismissed (fired, sacked, not given any more shifts). Tick no if you were not dismissed and still work for the employer. If you are unsure, get legal advice.

[ ] Yes
[ ] No—Go to question 2
1.2 If you answered yes to question 1.1—On what date were you dismissed?

Write the date you were told you were dismissed or the last date you worked (whichever is later).

1.3 If you answered yes to question 1.1—What reasons (if any) did the employer give for dismissing you?

Using numbered paragraphs, specify the reason(s), if any, given by the employer for your dismissal. Attach any letter of dismissal and/or separation certificate given to you by your employer. Note that the Commission will send copies of any documents you provide to the Respondent. Attach extra pages if necessary.

Explain what you were told about why you were being dismissed or made redundant.

Remember to:

- Divide your explanation into paragraphs and number each one in order.
- Attach copies or print outs of any letters, notes, emails, text messages or messages online, (for example, on Facebook) from your employer, telling you why you were dismissed or made redundant.

1.4 If you are an employee or contractor—what date did your employment or engagement with the Respondent commence?

Write the date you started work.

1.5 Have you made another claim to the Commission or to any other organisation regarding your dismissal (eg an unfair dismissal claim)?

If you have already made an application somewhere else, get legal advice.

[ ] Yes

[ ] No

The Commission cannot consider an application for a general protections remedy if you have made another claim about your employment, for example an unfair dismissal application or a discrimination complaint to the Human Rights Commission. If you answered yes to question 1.5, you will need to decide which claim is the most appropriate one. If you’re unsure which is the best option for you, read the where to get help section on the cover sheet of this form.

2. Remedy

2.1 What outcome are you seeking by lodging this application?

Explain what you want. For example, do you want:

- to get your job back (this is called 'reinstatement')
- compensation, for example, lost wages
- a statement of service or reference.
3. Alleged contravention

3.1 Describe the action of the Respondent that has led you to make this application.

Describe the things your employer did and said that led to you making an application. You can attach more pages if you need more room. Put events in a logical order, for example in date order. Get someone else to read over what you have written to make sure what you have written is clear. If you are unsure about what to include, get legal advice.

Attach additional pages if necessary.

3.2 Explain how the action you have described in 3.1 has adversely affected you.

A general protections application should only be made where adverse action has been taken against you (or where adverse action has been threatened or organised). The meaning of adverse action can be found at section 342 of the Fair Work Act 2009.

Explain how an adverse action has been taken against you. An adverse action is something that affects you in a bad way.

Section 242 of the Fair Work Act sets out examples of things that would be adverse action by an employer against an employee:

“if the employer:
   (a) dismisses the employee; or
   (b) injures the employee in his or her employment; or
   (c) alters the position of the employee to the employee’s prejudice; or
   (d) discriminates between the employee and other employees of the employer.”

You should explain how any of these applied to you. If they do not apply to you, or you are unsure, get legal advice.

Attach additional pages if necessary.

3.3 Which section(s) of the Fair Work Act 2009 do you allege the Respondent contravened when they took (or threatened or organised) the above action against you?

A general protections application should only be made if the Respondent took adverse action against you because you have the protections described in one or more sections of the Fair Work Act 2009 listed below

Tick one or more of the boxes below that apply to you. If you are unsure, get legal advice.

Division 3—Workplace rights
- [ ] s.340 Protection
- [ ] s.343 Coercion
- [ ] s.344 Undue influence or pressure
- [ ] s.345 Misrepresentations

Division 4—Industrial action
- [ ] s.346 Protection
- [ ] s.348 Coercion

Instructions only. This is not legal advice.
[ ] s.349 Misrepresentations
[ ] s.350 Inducements—membership action

**Division 5—Other protections**

[ ] s.351 Discrimination
[ ] s.352 Temporary absence—illness or injury
[ ] s.353 Bargaining services fees
[ ] s.354 Coverage by a particular instrument
[ ] s.355 Coercion—allocation of duties etc to a particular person

**Division 6—Sham arrangements**

[ ] s.357 Misrepresenting employment as an independent contracting arrangement
[ ] s.358 Dismissing to engage as an independent contractor
[ ] s.359 Misrepresentation to engage as an independent contractor

**Disclosure of information**

The Fair Work Commission will provide a copy of this application to the other parties in this matter. This includes:

- The Respondent
- Any legal representatives.

[ ] The Fair Work Commission undertakes research with participants in general protections matters to ensure a high quality process. Some research may be undertaken by external providers on behalf of the Fair Work Commission. **I do not** object to my contact details being provided to an external provider for the purposes of inviting me to participate in this research.

**Signature**

If you are completing this form electronically and you do not have an electronic signature you can attach, it is sufficient to type your name in the signature field. You must still complete all the fields below.

<table>
<thead>
<tr>
<th>Signature</th>
<th>Sign the form here.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name</td>
<td>Write your name here.</td>
</tr>
<tr>
<td>Date</td>
<td>Write the date you sign here.</td>
</tr>
</tbody>
</table>
| Capacity/Position | If you are representing yourself, write 'Applicant'.
|            | If you have a representative, they will write their title here, for example 'lawyer' or 'union representative.' |

Where this application form is not being completed and signed by the Applicant, include the name of the person who is completing the form on their behalf in the **Capacity/Position** section.

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Application fee

The fee to make a general protections application is currently $65.50.

The *Fair Work Act 2009* requires a fee to be paid on lodgment of this application with the Fair Work Commission. Where applicable, any refund of the application fee will be forwarded by cheque to the Applicant at the address provided on this application form.

Financial hardship

If paying the fee will cause you financial hardship, you can apply to have the fee waived. If you are applying to have the fee waived you must complete and lodge the Fee Waiver form at the same time as you lodge your application. Note that the Commission will not forward a copy of this form to the Respondent. The [Fee Waiver form](http://www.fwc.gov.au) can be downloaded from the Fair Work Commission website [www.fwc.gov.au](http://www.fwc.gov.au).

Payment options

Tick the method you are using to pay the application fee. If you cannot pay the application fee, it is possible to apply for the Fair Work Commission to waive (cancel) the fee. You will need to fill in a Fee Waiver form. See the note above under the heading Financial hardship.

[ ] I have completed the Fee Waiver form and have attached it to my application.

[ ] I am paying by cash—Cash payments can only be made in person at one of the Fair Work Commission offices. Payment should be made at the same time as the application is lodged.

[ ] I have attached a cheque or money order to this application—Cheques and money orders should be made payable to the Collector of Public Monies, FWC. Please note that the cheque or money order must be for the exact amount of the application fee, if it is not it may cause the processing of your application to be delayed.

[ ] I am paying by credit card—if you are lodging this form in person or by post please provide your credit card details below. The Fair Work Commission does not accept Diners Club or American Express.

[ ] Visa  [ ] MasterCard

Card number:  
Card expiry date: 
Cardholder’s name: 
Signature: 

Note: If you are lodging your application by email, credit card details must not be provided on this form. Please ensure that you have provided a phone number so that a staff member can contact you and ask for your credit card payment over the phone. You should expect a call within 7 days of the Commission receiving your application.

Payer details

Who is making the payment?

[ ] The Applicant  [ ] The Applicant’s representative  [ ] Other—Please complete the details

If you are paying the fee, tick ‘The Applicant’.
If your representative, for example lawyer or union representative is paying the fee, tick ‘The Applicant’s representative’.
If someone else is paying the fee, complete the section below.

Full name 

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<table>
<thead>
<tr>
<th>Postal address</th>
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<tbody>
<tr>
<td>Suburb</td>
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<tr>
<td><strong>State or territory</strong></td>
<td><strong>Postcode</strong></td>
</tr>
<tr>
<td><strong>Phone number</strong></td>
<td><strong>Email address</strong></td>
</tr>
</tbody>
</table>

**PLEASE RETAIN A COPY OF THIS FORM FOR YOUR OWN RECORDS**