



## About the F8C application form

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### General protections application not involving dismissal

#### About general protections disputes not involving dismissal

The general protections provisions of the [Fair Work Act 2009](#) aim to protect workplace rights and freedom of association and to provide protection from workplace discrimination. The general protections provisions apply to current and prospective employees, employers and independent contractors.

In general protections disputes not involving dismissal, if the parties to the dispute agree to participate, the Fair Work Commission (Commission) must hold a private conference to deal with the dispute. In a conference, the Commission will try to resolve the dispute including by mediation or conciliation. If the dispute does not settle, if the Commission considers that, taking into account all the materials before it, a general protections court application would not have a reasonable prospect of success, it must advise the parties of this.

If the respondent does not agree to participate in a conference by the Commission, or the dispute remains unresolved after a conference, the applicant may choose to make an application to a court to deal with the matter. The applicant does not need a certificate from the Commission before making an application to court.

For more information about general protections, please see the Commission's [General Protections Guides](#) and the [General Protections Benchbook](#).

#### Who can use this form

This form is used to lodge an application with the Commission to deal with a general protections dispute **not** involving dismissal, under section 372 of the [Fair Work Act 2009](#).

Use this form if:

- you believe that there has been a breach of the general protections that apply to you, and
- you have been adversely affected, as a result of the breach.

If you were an employee and your general protections dispute relates to your dismissal from employment, you should instead lodge an application using form *F8 – General protections application involving dismissal*. A general protections application involving dismissal must be lodged within 21 days after the dismissal took effect. If you are not sure if you have been dismissed, contact us or find more information about [Types of dismissal and termination](#) on our website.

**Note:** If you are an employee and you are dismissed after you have lodged a form F8C application, and you believe that your dismissal relates to a breach of the general protections provisions that apply to you, you should [contact us](#) **as soon as possible** after the dismissal to discuss your application.

## Lodging your completed form

1. **Lodge your application** and any supporting documents with the Commission. You can lodge:
  - online using the Commission's [Online Lodgment Service](#) (OLS)
  - by email to [lodge@fwc.gov.au](mailto:lodge@fwc.gov.au), or
  - by post or in person at the [Commission's office](#) in your state or territory.
2. **Pay your application fee** at the same time as you lodge your application. The current application fee is available on the [Lodge an application](#) page on the Commission's website.

If paying the fee will cause you serious hardship, you can apply to have the fee waived. You must apply to have the fee waived at the same time as you lodge your application. Download a copy of the [Fee Waiver form](#) from the Commission's website.

When the Commission sends a copy of your application to other people involved in the case, we will not include information about the application fee.



**We will send a copy of this form (and any other documents you lodge with your application) to the other people in this case.**

This includes:

- The Respondent
- any other person you name in the form as a party to the case, and
- any representatives or paid agents involved in the case.

This is so they can understand your side of the case. We will ask them for their side of the case as well.

**If you are worried about particular information being passed on, don't include it yet.**

Lodge your completed form and then contact us to talk about whether you should provide the information.

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

## Where to get help

### Commission staff & resources

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

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

The Commission's website [www.fwc.gov.au](http://www.fwc.gov.au) also contains a range of information that may assist.

## Throughout this form



This icon appears throughout the form. It indicates information to help you complete the form.

### Legal or other representation

Representation is where another person speaks or acts on a person's behalf, or assists a person in certain other ways in relation to their case. A representative could be a lawyer, paid agent, union or employer organisation, or a not for profit association or body that provides support, advice or advocacy in relation to a case of this kind.

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

A person does not have to be represented to bring a case to the Commission.

There are some rules about when a lawyer or paid agent can represent a person.

Unless the Commission decides otherwise in a particular case, a lawyer or paid agent can represent a person without permission to:

- prepare and lodge this application
- prepare and lodge submissions about this case, or
- write to the Commission and other people involved in this case on the person's behalf.

Generally, a person must give notice to the Commission and seek permission from the Commission Member dealing with their case if they wish to have a **lawyer or paid agent** represent them in a **conference or hearing with a Commission Member**. A person does not, however, need to give notice or ask permission if the lawyer or paid agent is:

- their employee or officer, or
- an employee or officer of a union or employer organisation that is representing them.

A person can notify the Commission that they have a lawyer or paid agent using this form – provide the lawyer or paid agent's details at 'Does the Applicant have a representative?'

If an applicant needs to notify the Commission that they have a lawyer or paid agent after they have lodged this form, or if an applicant needs to ask permission for a lawyer or paid agent to take part in a **conference or hearing**, use [Form F53](#).

For more information about representation by lawyers and paid agents, see section 596 of the [Fair Work Act 2009](#), rules 11, 12, 13 and 14 of the [Fair Work Commission Rules 2024](#), information about [representatives and the rules they must follow](#), and the Commission's [practice note on representation by lawyers and paid agents](#).

## Glossary of common terms

**Applicant** – this is the person that is making an application.

**Jurisdictional objection** – this is a type of objection a respondent can raise to an application. A respondent can make this kind of objection if they think that the Commission, for a technical or legal reason, cannot hear the matter.

**Lawyer** – this is a person who is admitted to the legal profession by a Supreme Court of a State or Territory.

**Paid agent** – in relation to a matter before the Commission, this is an agent (other than a bargaining representative) who charges or receives a fee to represent a person in the matter.

**Party** – this is an applicant, respondent, or another person involved in a matter or case that is brought to the Commission.

**Person** – includes an individual and a body corporate.

**Respondent** – this is the person responding to an application made by an applicant.

**Service** – serving a document means giving a copy of the document to a person, usually to the other party to the matter. You can serve a document in a number of ways, including by email, express or registered post, or in person. Part 5 of Chapter 1, rule 71 and Schedule 1 of the [Fair Work Commission Rules 2024](#) deal with service.

## Privacy

The Commission collects the information (including personal information) provided to it in this form in order to deal with the general protections dispute. The information will be included on the case file, and the Commission may disclose this information to the other parties to this matter and to other persons. For more details of the Commission’s collection, use and disclosure of this information, please see the [Privacy notice](#) for this form, or ask for a hard copy to be provided to you.



**Remove this cover sheet** and keep it for future reference – it contains useful information.

# Form F8C – General protections application not involving dismissal

[Fair Work Act 2009](#), section 372; [Fair Work Commission Rules 2024](#), rule 71

This is an application for the Fair Work Commission (Commission) to deal with a general protections dispute not involving dismissal under Part 3-1 of the [Fair Work Act 2009](#).

## The Applicant

Provide the following information about the person making this application (the Applicant)



If the Applicant is an individual under 18 years of age, the Commission encourages them to have a parent or guardian, or a legal representative, involved. We can provide further information about how to find legal services.

Where the Applicant is an individual			
Title	<input type="checkbox"/> Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Ms <input type="checkbox"/> Other please specify:		
First name(s)			
Surname			
Is the Applicant aged:	<input type="checkbox"/> 18 years or older (adult)		
	<input type="checkbox"/> Under 18 years		
Where the Applicant is not an individual			
Legal name			
ACN (if a company)			
ABN			
Contact name			
For all Applicants, also provide the following information			
Postal address			
Suburb			
State or territory		Postcode	
Mobile		Phone number	
Email address			

**Note:** If you provide a mobile number the Commission may send reminders to you via SMS.

**How would the Applicant prefer us to send communications?**

- Email (you will need to make sure you check your email account regularly)
- Post

**Does the Applicant need an interpreter?**



If the Applicant has trouble accessing this information, please contact us. We can arrange to provide it in another format. You can find information about [help in your language](#) on our website.

- Yes – Specify language
- No

**Does the Applicant require any special assistance at the hearing or conference (eg a hearing loop)?**

- Yes – Please specify the assistance required
- No

**Does the Applicant have a representative?**



A representative is a person that is representing the Applicant. This might be a lawyer or paid agent, a union or employer organisation. The Applicant does not need a representative.

- Yes – Provide representative’s details below
- No

**Representative’s details**



These are the details of the person that is representing the Applicant (if any).

Name of person			
Firm, organisation or company			
Representative’s ABN (if applicable)			
Postal address			
Suburb			
State or territory		Postcode	
Phone number			
Email address			

**Is the Applicant’s representative a lawyer or paid agent?**

<input type="checkbox"/> Yes – please select:	<input type="checkbox"/> Lawyer
	<input type="checkbox"/> Paid agent
<input type="checkbox"/> No	

**About the Applicant**

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
- A prospective independent contractor
- An employer
- A prospective employer
- A principal
- A prospective principal

**The Respondent**

**Provide the following information about the person responding to this application (the Respondent)**



Note that the Commission will send a copy of this application and any documents you lodge with this application to the contact person you name below.

Legal name of Respondent			
Respondent’s ACN (if a company)			
ABN			
Contact person			
Postal address			
Suburb			
State or territory		Postcode	
Phone number			
Email address			

## 1. Background

1.1 If the Applicant is an employee or contractor – what date did the Applicant’s employment or engagement with the Respondent commence?

1.2 Has the Applicant made an application or claim to any other body regarding the dispute?



**Note:** A court cannot consider a general protections application about a non-dismissal related dispute if the Applicant has made an application or complaint under an anti-discrimination law which has not been withdrawn and has not failed for want of jurisdiction.

Yes

No

If you answered **Yes** – provide details of the application or claim, including the body the Applicant has made the application or claim to.

## 2. Remedy

2.1 What outcome is the Applicant seeking by lodging this application?

### 3. Alleged contravention

#### 3.1 Describe the actions of the Respondent that have led the Applicant to make this application.

Using numbered paragraphs, describe the relevant facts and circumstances. Attach any relevant documents. Note that the Commission will send copies of any documents you provide to the Respondent. Attach extra pages if necessary.

#### 3.2 Which section(s) of the *Fair Work Act 2009* does the Applicant allege the Respondent contravened when they took (or threatened or organised) the above actions against the Applicant?



A general protections application not involving dismissal should only be made if the Respondent took adverse action against the Applicant **because** the Applicant has the protections described in one or more sections of the [Fair Work Act 2009](#) listed below. See the [General Protections Benchbook](#) for information about each of the protections below.

##### Division 3 – Workplace rights

- section 340 Protection
- section 343 Coercion
- section 344 Undue influence or pressure
- section 345 Misrepresentations

##### Division 4 – Industrial activities

- section 346 Protection
- section 348 Coercion
- section 349 Misrepresentations
- section 350 Inducements – membership action
- section 350A Protection for workplace delegates [employees]
- section 350B Protection for workplace delegates – regulated workers

**Division 5 – Other protections**

- section 351 Discrimination - select the attribute as set out in section 351(1):
  - Race
  - Sex
  - Breastfeeding
  - Intersex status
  - Physical or mental disability
  - Family or carer’s responsibilities
  - Pregnancy
  - Political opinion
  - Colour
  - Sexual orientation
  - Gender identity
  - Age
  - Marital status
  - Subjection to family and domestic violence
  - Religion
  - National extraction or social origin
- section 352 Temporary absence – illness or injury
- section 353 Bargaining services fees
- section 354 Coverage by a particular instrument
- section 355 Coercion – allocation of duties etc to a particular person

**Division 6 – Sham arrangements**

- section 357 Misrepresenting employment as an independent contracting arrangement
- section 358 Threatening to dismiss to engage as an independent contractor
- section 359 Misrepresentation to engage as an independent contractor
- section 359C Misrepresentation to engage as a casual employee

**3.3 Explain how the actions you have described in question 3.1 have contravened the section(s) of the *Fair Work Act 2009* you identified in question 3.2.**

Attach extra pages if necessary.

## Disclosure of information

The Commission will provide a copy of this application and any documents you lodge in support of this application (other than a Fee Waiver form, if lodged) to the other parties to this matter.

This includes:

- the Respondent
- any other person named in this application as a party to the case, and
- any representatives or paid agents.

## Consent to contact by researchers

The 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 Commission.

Do you consent to the contact details provided on page 1 of this form being provided to an external provider of research services for the sole purpose of inviting you to participate in research?

Yes

No

## Authority to sign and signature



For 'Authority to sign':

- If you are the Applicant – insert 'Applicant'
- If you are an officer or employee of the Applicant – insert your position title
- If you are the Applicant's representative and have provided your details in this form – insert 'Representative'.

<b>Authority to sign</b>	
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Insert your signature, name and the date. If you are completing this form electronically and do not have an electronic signature, type your name in the signature field.

<b>Signature</b>	
<b>Name</b>	
<b>Date</b>	

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

## Application fee

**Applicant's name:**

The current application fee is available on the [Lodge an application](#) page on the Commission's website [www.fwc.gov.au](http://www.fwc.gov.au).

The [Fair Work Act 2009](#) requires a fee to be paid on lodgment of this application with the 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 would cause you to suffer serious hardship, you can apply to have the fee waived. If you are applying to have the fee waived you must complete and lodge the [Form F80 – Waiver of application fee](#) (the Fee Waiver form) at the same time as you lodge your application. Note that the Commission will not forward a copy of the Fee Waiver form to the Respondent. The Fee Waiver form can be downloaded from the Commission website [www.fwc.gov.au](http://www.fwc.gov.au).

## Payment options

- 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 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 – Please see below:

**If paying by credit card, please provide the payer details below and a Commission officer will contact the payer within 3 business days from the date of lodgment.**

## Payer details

Who is making the payment?

- The Applicant     The Applicant's representative     Other—Please complete the details

Full name of payer			
Postal address			
Phone number		Email address	

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