



About the F78 notification form

Notice of agreement to consent arbitration of a sexual harassment dispute

Note: Each notifying party to the dispute must complete and file a separate Form F78.

Use this form if:

- you are a party to a dispute before the Fair Work Commission (the Commission) about sexual harassment in connection with work. A party may be an **applicant**, an **aggrieved person** or a **respondent**, and
- the Commission held a conference but the dispute was not resolved, and
- the Commission has issued a certificate under s.527R(3)(a), and
- you agree to the Commission arbitrating the dispute. Arbitration is when the Commission makes a final, binding decision.

An **applicant** is a person or industrial association that made the application to the Commission to deal with the sexual harassment dispute.

An **aggrieved person** is someone who alleges they were sexually harassed in connection with their work.

There can be more than one type of **respondent** to a sexual harassment dispute. A respondent can be:

- someone who has allegedly sexually harassed an aggrieved person in connection with work
- the employer or principal of someone who has allegedly sexually harassed an aggrieved person in connection with work, and
- the employer or principal of an aggrieved person.

The Commission only has power to arbitrate a sexual harassment dispute if the parties who agree to arbitration (the **notifying parties**) include:

- at least one aggrieved person and/or an industrial association that is entitled to represent the industrial interests of an aggrieved person, and
- at least one respondent.

Sign this form before you send it to the Commission. The Commission must receive this form **within 60 calendar days** after the day the Commission issued the certificate.

The Commission will remove from the dispute in the Commission any parties who do not agree to arbitration. We will tell them when this happens. This means they will no longer be a party to the dispute in the Commission. If they are not party to a dispute in the Commission, they could be party to a sexual harassment dispute application brought in a court.

You can **find out more** about [sexual harassment in connection with work](#) on our website, including information about what happens in consent arbitration and how you can ask for information to be handled confidentially.

Form F78 – Notice of agreement to consent arbitration of a sexual harassment dispute

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

This is a notice that the parties to a sexual harassment dispute have agreed to the Fair Work Commission (the Commission) arbitrating the matter under section 527S(3) of the [Fair Work Act 2009](#).

Case details

1. Write the case details below

You will find these details in letters and emails from the Commission about the sexual harassment dispute. 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	

About the notifying parties

The notifying party	
Name	
Firm, company or organisation (if applicable)	
Email address	
Phone number	
Postal address	
Suburb	
State or territory	Postcode

2. Does the notifying party have a representative?

A **representative** is a person who speaks on behalf of a party in the case, such as a lawyer, a union, an employer association 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 3

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.

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

About the certificate

3. Has the Commission issued a certificate in relation to the sexual harassment dispute?



The Commission can only arbitrate a sexual harassment dispute after it has dealt with the dispute and issued a certificate under s.527R(3)(a) of the *Fair Work Act 2009*.

Yes

No

4. What date did the Commission issue the certificate?

5. Will the Commission receive this form within 60 days after the certificate was issued?



The notifying parties need to notify the Commission that they agree to the Commission arbitrating the dispute **within 60 calendar days** after the day the certificate was issued. The Commission may allow more time (but it does not have to).

Yes – Go to question 6

No – tell us why you did not lodge this notification within 60 days after the certificate was issued and why you think the Commission should give more time.

Consent to arbitration

6. Do you consent to the Commission arbitrating the sexual harassment dispute?



The Commission can only arbitrate a sexual harassment dispute if the parties who agree to arbitration include at least 1 aggrieved person and/or an industrial association that is entitled to represent the industrial interests of an aggrieved person **and** at least 1 respondent.

Yes

No

7. 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 – What language?

No

8. 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 you.

Yes – What do you need?

No

Privacy

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 you do not have an electronic signature, type your name in the signature box.

Name

Date

Capacity/position

Describe your authority to sign this form below – for example, “the aggrieved person” or the name of your role if you are a representative.

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.

Form F78 – Notice of agreement to consent arbitration of a sexual harassment dispute

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 by:

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

What happens next

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