



## About the F8 application form

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### General protections application involving dismissal

#### About general protections disputes 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.

An employee may allege that their employer contravened one or more of the general protections provisions in dismissing the employee from their employment. In some circumstances, 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](#).

If you make such a claim, the Fair Work Commission (Commission) will try to assist the parties to settle the dispute by conducting a conference. Sometimes the employer may argue that you are not eligible to make a general protections application involving dismissal. This is called a jurisdictional objection. If this occurs, the Commission will determine the jurisdictional objection first. If the objection is dismissed, the Commission will then conduct a conference.

If the dispute remains unresolved after the conference, the Commission will issue a certificate. You may then choose to make a general protections court application within 14 days of the date the certificate is issued, or such further time as the court allows. Alternatively, if both parties to the dispute consent, you can apply for the Commission to conduct a consent arbitration which will determine the matter, subject to any appeal. An application for consent arbitration needs to be lodged with the Commission within 14 days of the date the certificate is issued.

If the parties have notified the Commission that they consent to arbitration, you cannot also make a general protections court application. If you are pursuing a general protections court application, the parties cannot also seek to have the Commission arbitrate the matter.

For more information see the Commission's [General protections guides](#) and [General Protections Benchbook](#).

#### Who can use this form

Use this form if you:

- were an employee **and**
- have been dismissed **and**
- believe that you were dismissed in breach of the general protections provisions that apply to you.

You should also use this form if you are completing it for an industrial association that is making an application on behalf of an employee member who has been dismissed and that

believes the employee was dismissed in breach of the general protections provisions that apply to them.

**Note 1:** If you believe there has been a breach of the general protections provisions that apply to you but you have not been dismissed, lodge an application using the form F8C (or you may make an application directly to a court). You cannot make a general protections dismissal application.

**Note 2:** If you were dismissed but you do not allege a contravention of the general protections provisions, you may be eligible to make another type of dismissal application. You cannot make a general protections dismissal application. See [Types of dismissal and termination](#) for more information.

## Lodging your completed form

1. **Lodge your application** and any supporting documents with the Commission within **21 days** after your dismissal took effect. 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 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:

- your employer,
- 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 your behalf, or assists you in certain other ways in relation to your case. A representative could be a lawyer, paid agent, union, legal guardian 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 you bring with you to a legal proceeding who can give you emotional support, such as a family member or friend.

You do not have to be represented to bring a case to the Commission.

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

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

Generally, you must give notice to the Commission and seek permission from the Commission Member dealing with your case or staff person holding your conference if you wish to have a **lawyer or paid agent** represent you in a **conference or hearing**. You do not, however, need to give notice or ask permission if the lawyer or paid agent is an employee or officer of a union that is representing you.

You can notify the Commission that you have a lawyer or paid agent using this form — provide their details at 'Do you have a representative?'

If you need to notify the Commission that you have a lawyer or paid agent after you have lodged this form, or if you need 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 application involving dismissal. The information will be included on the case file, and the Commission may disclose the 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 F8 – General protections application involving dismissal

[Fair Work Act 2009](#), section 365; [Fair Work Commission Rules 2024](#), rule 71

This is an application for the Fair Work Commission (Commission) to deal with a general protections dispute involving dismissal under Part 3-1 of the [Fair Work Act 2009](#).

## The person who has been dismissed

Provide the following information about the person who has been dismissed (you)



Please provide a telephone number and email. It is important that we can contact you so that we can deal with your application.

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

<b>Title</b>	<input type="checkbox"/> Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Ms <input type="checkbox"/> Other please specify:		
<b>First name(s)</b>			
<b>Surname</b>			
<b>Postal address</b>			
<b>Suburb</b>			
<b>State or territory</b>		<b>Postcode</b>	
<b>Mobile number</b>			
<b>Email address</b>			
<b>Are you aged:</b>	<input type="checkbox"/> 18 years or over (adult)		
	<input type="checkbox"/> Under 18 years		

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

**If the Applicant is an industrial association please also provide the following information**



If the Applicant is an industrial association, note that 'you' and 'your' in this form refers to the employee whose industrial interests the Applicant is entitled to represent.

<b>Name of association</b>	
<b>Contact person</b>	
<b>Phone number</b>	
<b>Email address</b>	

**How would you prefer us to communicate with you?**

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

**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 in your language](#) on our website.

- Yes – Specify language
- No

**Do you need 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 you. This might be a lawyer, paid agent, or a union. There is no requirement to have a representative.

- Yes – Provide representative’s details below
- No

**Your representative**



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

<b>Name of person</b>			
<b>Firm, union or company</b>			
<b>Postal address</b>			
<b>Suburb</b>			
<b>State or territory</b>		<b>Postcode</b>	
<b>Phone number</b>			
<b>Email address</b>			

**Is your representative a lawyer or paid agent?**

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

**The employer**

**Provide the following information about the employer that dismissed you (the employer).**



You should provide the legal name of the employer. The legal name is not the trading name or business name of the employer. The employer will usually be a person or a company (with a name ending in Pty Ltd or Ltd), or in some instances a partnership, an incorporated association, or a public sector employer. Your pay slips, PAYG payment summary, appointment letter or employment contract should give the legal name of the employer.

Note that the Commission will send a copy of your application to the contact person you name below.

<b>Legal name of employer</b>			
<b>Employer’s ACN (if a company)</b>			
<b>ABN</b>			
<b>Contact person</b>			
<b>Postal address</b>			
<b>Suburb</b>			
<b>State or territory</b>		<b>Postcode</b>	
<b>Phone number</b>			
<b>Email address</b>			

**1. General protections dismissal**

**1.1 What date did you begin working for the employer?**

**1.2 What date were you notified of your dismissal?**

**1.3 What date did your dismissal take effect?**

**1.4 Are you making this application within 21 days of your dismissal taking effect?**

Yes

No



For information about the timeframe for lodging a general protections application involving dismissal, see section 366(1) of the [Fair Work Act 2009](#).

If you answered **No** – Explain the reason for the delay, including any steps you have taken to dispute the dismissal or any other reason you think the Commission should take into account in considering whether to accept your application out of time.

**1.5 To the best of your knowledge, how many employees were employed in your workplace when you were dismissed?**

1-14

15-49

50-99

100 or more

I don't know



**1.6 Have you made another claim to the Commission or to any other body regarding your dismissal (eg an unfair dismissal application)?**



The Commission cannot consider your general protections application involving dismissal if you have made another claim in relation to your dismissal, such as an unfair dismissal application or a complaint to the Australian Human Rights Commission. If you answer 'Yes' to this question, 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 in the cover sheet of this form.

Yes

No

**2. Remedy**


**2.1 What outcome are you seeking by lodging this application?**

**3. Alleged contravention**

**3.1 Describe the actions of the employer, including any reasons given for your dismissal, that have led you to make this application.**


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

**3.2 Do you allege that you were dismissed in contravention of the general protections provisions in Part 3-1 of the Fair Work Act 2009?**

 You can only make a general protections application involving dismissal if you have been dismissed and you allege your dismissal was in contravention of the general protections provisions in Part 3-1 of the [Fair Work Act 2009](#).

- Yes [Go to question 3.3]
- No [You cannot make this application. See page ii of this form for more information]

**3.3 Which section(s) of the [Fair Work Act 2009](#) did the employer contravene when they dismissed you?**

 You should only make a general protections dismissal application if your employer dismissed you **because** you have the protections described in one or more sections of the [Fair Work Act 2009](#) listed below. See the [General Protections Benchbook](#) for information.

**Division 3 – Workplace rights**

- section 340 Protection
- section 343 Coercion

**Division 4 – Industrial activities**

- section 346 Protection
- section 348 Coercion

**Division 5 – Other protections**

- section 351 Discrimination - select the attribute as set out in section 351(1):
- |   |   |
|---|---|
| <input type="checkbox"/> Race                               | <input type="checkbox"/> Colour                                     |
| <input type="checkbox"/> Sex                                | <input type="checkbox"/> Sexual orientation                         |
| <input type="checkbox"/> Breastfeeding                      | <input type="checkbox"/> Gender identity                            |
| <input type="checkbox"/> Intersex status                    | <input type="checkbox"/> Age  |
| <input type="checkbox"/> Physical or mental disability      | <input type="checkbox"/> Marital status                             |
| <input type="checkbox"/> Family or carer's responsibilities | <input type="checkbox"/> Subjection to family and domestic violence |
| <input type="checkbox"/> Pregnancy                          | <input type="checkbox"/> Religion                                   |
| <input type="checkbox"/> Political opinion                  | <input type="checkbox"/> National extraction or social origin       |
- section 352 Temporary absence – illness or injury

**Division 6 – Sham arrangements**

- section 358 Dismissing to engage as an independent contractor
- section 359B Dismissing to engage as a casual employee

**3.4 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 3.3.**

Attach extra pages if necessary.

**Disclosure of information**

The Commission will provide a copy of this application and any attachments to the other parties in this matter. This includes:

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

## Consent to contact by researchers



The Commission undertakes research with participants in general protections dismissal 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 person dismissed—insert 'person dismissed'
- If you are an officer or employee of the Applicant—insert your position title
- If you are the representative of the person dismissed 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

Your name:

The current application fee is available on the [Fees and costs](#) 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 you 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 employer. The [Fee Waiver form](#) can be downloaded from the Commission's 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 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 – Please see below:

**If paying by credit card, please provide the payer's 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?

- You                       Your representative                       Other – Please complete the details

Full name of payer			
Postal address			
Phone number		Email address	

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