



About the F8 application form

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, 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 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.

Title	<input type="checkbox"/> Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Ms <input checked="" type="checkbox"/> Other please specify:		
First name(s)	Matelita		
Surname	Taufa		
Postal address	8 Sample Street		
Suburb	North Ryde		
State or territory	NSW	Postcode	2113
Mobile number	04XX XXX XXX		
Email address	matelita@mail.com		
Are you aged:	<input checked="" 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.

Name of association	
Contact person	
Phone number	
Email address	

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).

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

Is your 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	

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.

Legal name of employer	Frozen Food Distributions Pty Ltd		
Employer's ACN (if a company)	120 000 000		
ABN			
Contact person	Adam Matthews, Human Resources Manager		
Postal address	100 Example Road		
Suburb	Sydney		
State or territory	NSW	Postcode	2000
Phone number	02 9000 0000		
Email address	a.matthews@frozenfood.com.au		

1. General protections dismissal

1.1 What date did you begin working for the employer?

10 December 20XX

1.2 What date were you notified of your dismissal?

17 January 20XX

1.3 What date did your dismissal take effect?

17 January 20XX

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?

- 1) Reinstatement to my position as floor manager, or an equivalent position on terms and conditions no less favourable.
- 2) Remuneration for the period 18 January 20XX to date to cover lost wages.
- 3) To maintain the continuity of my employment.
- 4) Compensation for hurt and humiliation.
- 5) A written apology.

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.


1. On 9 January 20XX I called my supervisor (Tom Biggs) and told him that I was sick and couldn't come to work. That afternoon I went to see the doctor and was given antibiotics and a medical certificate for the next week. I have attached a copy of the certificate and it is marked "A".
2. On 10 January 20XX I called Mr Biggs and told him that I was still sick and I would not be returning to work until 17 January 20XX. Mr Biggs told me if I did not come to work the next day, I shouldn't bother coming in at all.
3. I returned to work on 17 January 20XX. I was called into a meeting with Mr Biggs and Adam Matthews, the Human Resource Manager. I was told that I had not been performing and that my

employment was terminated. I gave them my medical certificate but Mr Biggs said that they did not have any work for me.

4. Before this date I had never been told that there were problems with my performance. I had not received any warnings or chances to try and improve.

5. I have worked for Frozen Food since December 20XX. Before the 17 January meeting I had never had any problems at work.

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):

☐ Race

☐ Colour

☐ Sex

☐ Sexual orientation

☐ Breastfeeding

☐ 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.

1. Mr Biggs and Adam Matthews decided to dismiss me because I took sick leave for about one week.
2. On 17 January 20XX, when I returned to work, I gave them the medical certificate from my doctor but they did not accept it.
3. On 17 January 20XX, Mr Biggs and Adam Matthews talked to me about problems with my performance. However, I had never received a warning about my performance before.
4. The above actions have contravened s352 of the Fair Work Act 2009.

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'.

Authority to sign	Person dismissed.
-------------------	-------------------



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.

Signature	<i>Matelita Taufu</i>
Name	Matelita Taufu
Date	24 January 20XX

PLEASE RETAIN A COPY OF THIS FORM FOR YOUR OWN RECORDS

Application fee

Your name:

Matelita Taufa

The current application fee is available on the [Fees and costs](#) page on the Commission's website 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.

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	Matelita Taufa		
Postal address	8 Sample Street, North Ryde NSW 2113		
Phone number	04XX XXX XXX	Email address	matelita@mail.com

PLEASE RETAIN A COPY OF THIS FORM FOR YOUR OWN RECORDS