



## About the F92B notification form

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### Notification of agreement to arbitration of a dispute about the employee right to disconnect

#### About employee right to disconnect disputes

The [Fair Work Act 2009](#) (the Fair Work Act) gives employees a right to refuse to monitor, read or respond to contact, or attempted contact from:

- an employer, or
- a third party (if the contact or attempted contact relates to the employee's work),

outside their working hours, unless their refusal is unreasonable.

This is known as the **employee right to disconnect**.

The Fair Work Commission (the Commission) can deal with a dispute about the employee right to disconnect if:

- an employee has refused to monitor, read or respond to contact, or attempted contact, outside their working hours and the employer:
  - reasonably believes this refusal is unreasonable, or
  - has asserted that the refusal is unreasonable and the employee reasonably believes the refusal is not unreasonable, or
- the employee and employer have another dispute about how the employee right to disconnect operates.

You can find out more about [disputes about the employee right to disconnect](#) on our website.

#### When to use this form

Use this form if:

- you are an employer or employee who is a party to a dispute about the employee right to disconnect, or you are completing this form for an employer party
- an application has been made to the Commission to deal with the dispute (other than just by making a stop order), and
- the employer and employee agree to the Commission arbitrating the dispute.

## **Lodging your completed form**

**Lodge** this form and any supporting documents with the Commission. You can lodge this form by email, by post or in person at the [Commission office](#) in your state or territory.

## **Where to get help**

### **Commission staff & resources**

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

- processes in the Commission
- 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.

### **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 a matter before the Commission. A representative could be a lawyer, paid agent, union, employer organisation or a not-for-profit association or body that provides support, advice or advocacy in relation to the kind of application or case concerned.

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 in a case at the Commission.

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

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, and
- 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 if you wish to have a lawyer or paid agent represent you in a conference or a hearing.

You do not need to ask permission or give notice if the lawyer or paid agent is:

- for an employer—your employee or officer, or
- an employee or officer of a union or employer organisation that is representing you.

You can notify the Commission using this form that you have a lawyer or paid agent—provide their details at ‘Does the party lodging this notification 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](#), and the Commission’s [practice note on representation by lawyers and paid agents](#).

## **Privacy**

The Commission collects the information (including personal information) provided to it in this form for inclusion on the case file, and 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 F92B – Notification of agreement to arbitration of a dispute about the employee right to disconnect

[Fair Work Act 2009](#) (the Fair Work Act), section 333V

This is a notification to the Fair Work Commission (the Commission) that the parties to a dispute about the employee right to disconnect have agreed to the Commission arbitrating the dispute.

### Case details

These are the details of the application to the Commission to deal with the dispute

Commission case number	
Name of Applicant	
Name of Respondent	

### Have both parties to the dispute agreed to the Commission arbitrating the dispute?



If the parties do not notify the Commission that they agree to arbitration, the Commission cannot arbitrate but may deal with the dispute in other ways. These include mediation, conciliation, making a recommendation or expressing an opinion.

Yes

No

### Does either party 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

### Does either party require any special assistance at the hearing or conference (eg a hearing loop)?

Yes – Specify the assistance required:

No

**Details of the party lodging this notification****If the party lodging this notification is an individual, provide the following information:**


First name(s)			
Surname			
Email address			
Phone number			
Postal address			
Suburb			
State or territory		Postcode	

**If the party lodging this notification is not an individual, provide the following information:**

Legal name			
ACN (if a company)			
Trading name or registered business name (if applicable)			
ABN (if applicable)			
Contact person			
Postal address			
Suburb			
State or territory		Postcode	
Phone number			
Email address			

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about the employee right to disconnect

**Does the party lodging this notification have a representative?**

 A representative is a person that is representing the party. The party is not required to have a representative. You can read more about [whether or not to have a representative](#) on our website.

Yes – Provide the representative’s details below

No

**Representative’s details**

Name of person			
Firm, company or organisation			
Email address			
Phone number			
Postal address			
Suburb			
State or territory		Postcode	
<p><b>Is the representative a lawyer or paid agent?</b></p> <p>The party lodging this notification will need permission to be represented by a lawyer or paid agent in a conference or hearing. Our <a href="#">lawyers and paid agents practice note</a> explains when you need to ask for permission to be represented.</p>			
<input type="checkbox"/> Yes – please select:	<input type="checkbox"/> Lawyer <input type="checkbox"/> Paid agent		
<input type="checkbox"/> No			

## Employer’s agreement to arbitration

### The Employer agrees to the Commission arbitrating the dispute



This section must be completed and signed by the Employer or the Employer’s representative.

### Authority to sign and signature

For ‘Authority to sign’:

- If you are the Employer—insert ‘Employer’
- If you are an officer or employee of the Employer—insert your position title
- If you are the Employer’s representative—insert ‘Representative’.

Authority to sign	
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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.

Signature	
Name	
Date	

## Employee’s agreement to arbitration

### The Employee agrees to the Commission arbitrating the dispute



This section must be completed and signed by the Employee or the Employee’s representative.

### Authority to sign and signature

For ‘Authority to sign’:

- If you are the Employee–insert ‘Employee’
- If you are the Employee’s representative–insert ‘Representative’.

Authority to sign	
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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.

Signature	
Name	
Date	

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