



About the F87C application form

Application for minimum standards guidelines

About minimum standards guidelines

The [Fair Work Act 2009](#) (Fair Work Act) allows the Fair Work Commission (Commission) to set standards for employee-like workers and regulated road transport contractors (regulated workers). The Commission may set minimum standards on application or on its own initiative. Minimum standards can be mandatory minimum standards orders or non-binding minimum standards guidelines.

Minimum standards guidelines for employee-like workers are employee-like worker guidelines. Minimum standards guidelines for regulated road transport contractors are road transport guidelines.

Minimum standards guidelines can contain terms about a range of matters, including payment terms, deductions, record-keeping, cost recovery and insurance. There are also several matters that must not be included in minimum standards guidelines, including overtime rates and rostering arrangements.

When making minimum standards guidelines, the Commission must take into account the need for an appropriate safety net of minimum standards for regulated workers, having regard to the list of factors in section 536JX of the Fair Work Act. This is the minimum standards objective. If the Expert Panel for the road transport industry is considering minimum standards guidelines, it must also take into account the road transport objective in section 40D of the Fair Work Act.

The Commission may also make road transport contractual chain orders and road transport contractual chain guidelines. For more information about minimum standards guidelines, minimum standards orders, road transport contractual chain orders and road transport contractual chain guidelines see the [Regulated worker minimum standards page](#) on the Commission website.

When to use this form

Use this form to apply for the Commission to make minimum standards guidelines.

This form can be used by:

- an organisation that is entitled to represent the industrial interests of one or more:
 - regulated workers who would be covered by the proposed minimum standards guidelines
 - regulated businesses that would be covered by the proposed minimum standards guidelines

- a regulated business included a class of regulated businesses that would be covered by the proposed minimum standards guidelines, or
- the Minister.

If you instead want to apply for:

- a binding minimum standards order – use form F87A
- a road transport contractual chain order – use form F87E
- non-binding road transport contractual chain guidelines – use form F87G.

How the Commission deals with applications for minimum standards guidelines

Minimum standards proceedings will be held in public. Applications and supporting documents will be published on the Commission’s website for consideration by other interested parties.

In determining an application, the Commission may inform itself as it considers appropriate. This may include asking for submissions and supporting evidence from the applicant or other interested parties.

Interested persons can be alerted to new applications and updated on existing minimum standards matters through the Commission’s [subscription service](#). You can sign up to the subscription service through the Commission’s website.

Applications for road transport minimum standards guidelines are determined by an Expert Panel for the road transport industry. Applications for employee-like worker guidelines are determined by a Full Bench, unless the President considers that the guidelines may relate to the road transport industry and directs that they be dealt with by an Expert Panel. See sections 617 and 620 of the Fair Work Act for information on the constitution of Expert Panels.

Lodging and serving your completed form

Lodge this form and any supporting documents by email, post or in person at the [Commission’s office](#) in your state or territory.

Applications will be published on the Commission’s website.

The Commission will issue directions if it requires you to serve this form and any supporting documents on other persons.

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 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 a Commission case. A representative could be a lawyer, paid agent, employee organisation, 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 person does not need to be represented in a case at the Commission.

A person must ask permission of the Commission to be represented in a case by a lawyer or paid agent participating in a conference or hearing, unless the lawyer or paid agent is an employee or officer of the person or of an organisation representing the person. A person may otherwise be represented in the case without asking permission unless a Commission Member directs otherwise (see rule 13(1) of the [Fair Work Commission Rules 2024](#)).

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](#).

Glossary of common terms

Lawyer – 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, an agent (other than a bargaining representative) who charges or receives a fee to represent a person in the matter.

Party – a person involved in a matter or case that is brought to the Commission.

Person – includes an individual and a body corporate.

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 and Schedule 1 of the [Fair Work Commission Rules 2024](#) deal with service.

Refer to the [Fair Work Act](#), Part 1-2 of Division 3A – *Definitions relating to regulated workers and persons in a road transport contractual chain* for definitions of other relevant terms in this form, including:

Digital labour platform – section 15L

Digital labour platform operator – section 15M

Digital platform work – section 15N

Employee-like worker – section 15P

Regulated business – section 15F

Regulated road transport contractor – section 15Q

Regulated worker – section 15G

Road transport business – section 15R

Road transport employee-like worker – section 15RB

Road transport industry – section 15S. This definition refers to point-in-time definitions in 5 modern awards, which can be found on the [Fair Work Ombudsman website](#).

Services contract – section 15H

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 F87C – Application for minimum standards guidelines

Fair Work Act 2009 (Fair Work Act), section 536KS

This is an application to the Fair Work Commission to make minimum standards guidelines in accordance with Part 3A-2 of the Fair Work Act.

The Applicant



Choose one of the following.

The person making this application (Applicant) is:

- an organisation that is entitled to represent the industrial interests of one or more regulated workers who would be covered by the proposed order
- an organisation that is entitled to represent the industrial interests of one or more regulated businesses that would be covered by the proposed order
- a regulated business included in a class of regulated businesses that would be covered by the proposed order
- the Minister

Provide the following information about the Applicant:

Legal name of Applicant			
Applicant's ACN (if a company)			
Applicant's trading name or registered business name (if applicable)			
Applicant's ABN (if applicable)			
Contact person			
Postal address			
Suburb			
State or territory		Postcode	

Phone number	
Email address	

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 (for example a hearing loop)?

Yes – 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, or a not-for-profit association or body that provides support, advice or advocacy in relation to this kind of application or case. The Applicant does not need to have a representative.

Yes – Provide the 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, company or organisation	
Email address	

Phone number			
Postal address			
Suburb			
State or territory		Postcode	
<p>Is the representative a lawyer or paid agent?</p> <p> The Applicant will need permission to be represented by a lawyer or paid agent in a conference or hearing that is conducted by a Commission Member. Our lawyers and paid agents practice note 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			

1. Type of guidelines

1.1 Is this an application for employee-like worker guidelines or road transport guidelines?



See section 536KR of the Fair Work Act. ‘Employee-like worker guidelines’ are minimum standards guidelines for employee-like workers (including road transport employee-like workers). ‘Road transport guidelines’ are minimum standards guidelines for regulated road transport contractors.

- employee-like worker guidelines
- road transport guidelines

2. Class of regulated workers to be covered

2.1 Describe the class of regulated workers to be covered by the proposed minimum standards guidelines.



See sections 536KS(2) and 536KS(3) of the Fair Work Act. The class may be described by reference to a particular industry or sector, or part of an industry or sector, or particular kinds of work. In your answer, consider describing how workers in the class meet the definition of ‘employee-like worker’ or the definition of ‘regulated road transport contractor’. These definitions are in sections 15P and 15Q of the Fair Work Act. Also consider if the workers in the class meet the definition of ‘road transport employee-like worker’ in section 15RB.

If this application is for employee-like worker guidelines also see section 536KT(3). The Commission must refuse to consider the application if it is not satisfied that, on the whole, the persons included in this class of workers are employee-like workers.

3. Class of regulated businesses to be covered

3.1 Describe the class of regulated businesses to be covered by the proposed minimum standards guidelines.



See sections 536KS(2A) and 536KS(3) of the Fair Work Act. The class may be described by reference to a particular industry or sector, or part of an industry or sector, or particular kinds of work. In your answer, consider describing how businesses in the class meet the definition of 'digital labour platform operator' or the definition of 'road transport business'. These definitions are in sections 15M and 15R of the Fair Work Act.

4. Work to be covered

4.1 Describe the work to be covered by the proposed minimum standards guidelines.



See sections 536KW, 536KH(1)(a) and 536KJ(1)(a) of the Fair Work Act. The coverage terms of the guidelines must include the digital platform work or work in the road transport industry covered by the guidelines.

5. Content of guidelines

5.1 Describe the content of the proposed minimum standards guidelines.



See section 536KW of the Fair Work Act for terms that must be included in minimum standards guidelines. Minimum standards guidelines may include terms about any of the matters that may be included in a minimum standards order. Section 536KL gives a non-exhaustive list of terms that may be included in a minimum standards order. Minimum standards guidelines must not contain terms about any of the matters that must not be included in a minimum standards order under sections 536KM, 536KMA and 536KN.

Attach additional pages if necessary (which may include a draft of the proposed guidelines).

5.2 Do the proposed minimum standards guidelines overlap with an existing minimum standards order? If so, identify the order.



See section 536KV of the Fair Work Act – the Commission cannot make minimum standards guidelines that cover the same regulated workers and regulated businesses in relation to the same matters as a minimum standards order that is in operation.

6. Minimum standards objective and road transport objective

6.1 Explain why the proposed minimum standards guidelines are consistent with the minimum standards objective.



See the minimum standards objective in section 536JX of the Fair Work Act. The Commission must have regard to the minimum standards objective in deciding whether to make minimum standards guidelines.

6.2 If the proposed minimum standards guidelines relate to the road transport industry, explain why the proposed guidelines are consistent with the road transport objective.



See the road transport objective in section 40D of the Fair Work Act. If the proposed minimum standards guidelines relate to the road transport industry, the Commission must have regard to the road transport objective.

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Authority to sign and signature



For 'Authority to sign':

- If you are the Applicant – insert 'Applicant'
- If you are an employee of a company or organisation that is the Applicant – insert your position title
- If you are an officer or authorised employee of a registered organisation – insert your position title
- If you are the Applicant's representative and have provided your details in this form – 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