



Conditions and protections

Prohibiting sexual harassment in the Fair Work Act

This amendment forms part of an Australian Government commitment to include a new prohibition on sexual harassment in the *Fair Work Act 2009*.

What has changed?

The *Fair Work Legislation Amendment (Secure Jobs, Better Pay) Act 2022* amends the *Fair Work Act 2009* (the Act) to include a prohibition on sexual harassment.

This amendment contributes to the Australian Government's commitment to fully implement all 55 recommendations of the [Respect@Work: Sexual Harassment National Inquiry Report \(2020\) Report](#) and complements other legislative amendments made by the *Anti-Discrimination and Human Rights Legislation Amendment (Respect at Work) Act 2022*.

The amendment protects workers, prospective workers and persons conducting or undertaking a business from sexual harassment.

It also establishes a new dispute resolution process, allowing the Fair Work Commission (the Commission) to deal with disputes through conciliation or mediation. Where a dispute cannot be resolved in this way, and the parties agree, the Commission can settle the dispute and make orders, including for compensation.

The previous stop sexual harassment order jurisdiction of the Act has been merged into the new prohibition.

\$15.1 million in funding has been provided to support the Commission and Fair Work Ombudsman in their new roles implementing the prohibition and resolving disputes.

What do these changes mean?

The amendment increases protections against workplace sexual harassment in the Act and gives workers a new way to deal with sexual harassment complaints.

Workers will have the choice to pursue their dispute through the Fair Work Commission, the Australian Human Rights Commission or applicable state and territory anti-discrimination processes.

When will these changes come into effect?

These changes will come into effect on 6 March 2023.

For more information on the *Secure Jobs, Better Pay* package visit:

www.dewr.gov.au/workplace-relations.