

Workplace Sexual Harassment

The Latest IR Reforms

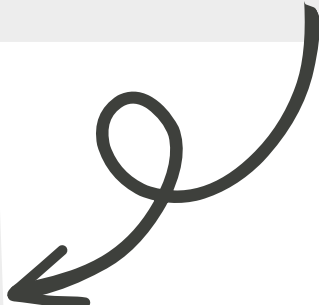
The Fair Work Act 2009 has been amended. From **Monday 6th of March 2023**, new rules against sexual harassment will be introduced in workplaces.

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**.

Employers have a duty to take reasonable proactive steps to eliminate discriminatory behaviour and sexual harassment in the workplace through the use and enforcement of policies and procedures.



**This applies to all workers,
including:**

- ☐ current and potential employees
 - ☐ contractors and subcontractors
 - ☐ volunteers
 - ☐ work experience students
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What does this mean for employers?

The employer may be held responsible for sexual harassment within the workplace unless they are able to show they have taken all reasonable steps to prevent the conduct.

What is Sexual Harassment?

Under the Fair Work Act, sexual harassment is:

- an unwelcome sexual advance
- an unwelcome request for sexual favours
- other unwelcome conduct of a sexual nature in relation to another person.

Sexual harassment is behaviour that has to be reasonable to expect that there is a possibility that the person being harassed would be offended, humiliated or intimidated by the behaviour.

What do these changes mean?

These changes increase protections against workplace sexual harassment in the Act and gives employees a new way to deal with sexual harassment complaints. Employees can pursue their dispute through the Fair Work Commission, the Australian Human Rights Commission, or applicable state and territory anti-discrimination processes.

Contact us today for more information on how these changes impact your organisation and how you can prevent sexual harassment in your workplace.

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