

*Your responses suggest that the offending conduct may satisfy the definition of sexual harassment. You may apply to the FWC for an order to intervene.*

## Division 2—The Dictionary

### 12 The Dictionary

In this Act:

***sexually harass*** has the meaning given by section 28A of the *Sex Discrimination Act 1984*.

Note: Other parts of speech and grammatical forms of “sexually harass” (for example, “sexual harassment”) have a corresponding meaning (see section 18A of the *Acts Interpretation Act 1901*).

(Sex Discrimination Act 1984)

### 28A Meaning of *sexual harassment*

- (1) For the purposes of this Act, a person sexually harasses another person (the ***person harassed***) if:
- (a) the person makes an unwelcome sexual advance, or an unwelcome request for sexual favours, to the person harassed; or
  - (b) engages in other unwelcome conduct of a sexual nature in relation to the person harassed;

in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated the possibility that the person harassed would be offended, humiliated or intimidated.

- (1A) For the purposes of subsection (1), the circumstances to be taken into account include, but are not limited to, the following:
- (a) the sex, age, sexual orientation, gender identity, intersex status, marital or relationship status, religious belief, race, colour, or national or ethnic origin, of the person harassed;
  - (b) the relationship between the person harassed and the person who made the advance or request or who engaged in the conduct;
  - (c) any disability of the person harassed;
  - (d) any other relevant circumstance.

- (2) In this section:

***conduct of a sexual nature*** includes making a statement of a sexual nature to a person, or in the presence of a person, whether the statement is made orally or in writing.

(Fair Work Act 2009)

### 789FF FWC may make orders to stop bullying or sexual harassment

- (1) If:
- (a) a worker has made an application under section 789FC; and
  - (ii) the FWC is satisfied that the worker has been sexually harassed at work by one or more individuals, and the FWC is

	<p>satisfied that there is a risk that the worker will continue to be sexually harassed at work by the individual or individuals; then the FWC may make any order it considers appropriate (other than an order requiring payment of a pecuniary amount) to:</p>
--	--

(d) if subparagraph (b)(ii) applies—prevent the worker from being sexually harassed at work by the individual or individuals; or