

Your responses suggest that the offending conduct may satisfy the definition of sexual harassment. If it reoccurs, 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>
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(d) if subparagraph (b)(ii) applies—prevent the worker from being sexually harassed at work by the individual or individuals; or