

# SEX DISCRIMINATION AND FAIR WORK AMENDMENT ACT 2021

ARE YOU AWARE OF THE RECENT CHANGES?

## What is the Sex Discrimination and Fair Work Amendment Act 2021?

Implementing the Australian Government's response to a number of recommendations in the Sex Discrimination Commissioner's Respect@Work report, the act aims to enhance protections against sexual harassment at work and achieve equality of opportunity between men and women.

## When does the Act come into effect and what does it mean?

Coming into effect from the 10th September 2021, the Sex Discrimination and Fair Work Amendment Act 2021 now constitutes the following forms of sex-based harassment as express forms of unlawful conduct:

- Asking intrusive personal questions based on a person's sex;
- Making inappropriate comments and/ or jokes to a person based on their sex;
- Displaying images or materials that are sexist, misogynistic or misandrist;
- Making sexist, misogynistic or misandrist remarks about a specific person; and
- Requesting a person to engage in degrading conduct based on their sex

The Fair Work Act 2009 (Cth) has also been amended to include the following:

- Sexual harassment can be a valid cause for dismissal;
- Two days of paid compassionate & bereavement leave is to be provided to those who miscarry before 20 weeks; and
- Stop sexual harassment orders, which come into effect as of the 11th November 2021

## What are Stop Sexual Harassment Orders?

The Respect at Work amendments expand the existing FW Act provisions to include orders to stop sexual harassment.

Eligible workers who believe they have been sexually harassed at work can now apply to the Fair Work Commission (FWC) for an order to stop the sexual harassment.

### **We're here to help**

Confidential enquiries are welcome and can be directed to Kearin Lowry Workforce Positive Director via email [kearin@workforcepositive.com](mailto:kearin@workforcepositive.com) or +61 412 995330

