



Fair Work Amendment (Respect at Work) Regulations 2021

I, General the Honourable David Hurley AC DSC (Retd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 08 July 2021

David Hurley
Governor-General

By His Excellency's Command

Michaelia Cash
Minister for Industrial Relations

Contents

1	Name.....	1
2	Commencement	1
3	Authority.....	1
4	Schedules.....	1
Schedule 1—Amendments		2
Part 1—Amendments commencing day after registration		2
<i>Fair Work Regulations 2009</i>		2
Part 2—Amendments relating to commencement of the Sex Discrimination and Fair Work (Respect at Work) Amendment Act 2021		3
<i>Fair Work Regulations 2009</i>		3

1 Name

This instrument is the *Fair Work Amendment (Respect at Work) Regulations 2021*.

2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. Sections 1 to 4 and anything in this instrument not elsewhere covered by this table	The day after this instrument is registered.	10 July 2021
2. Schedule 1, Part 1	The day after this instrument is registered.	10 July 2021
3. Schedule 1, Part 2	The later of: (a) the start of the day after this instrument is registered; and (b) immediately after the commencement of the <i>Sex Discrimination and Fair Work (Respect at Work) Amendment Act 2021</i> . However, the provisions do not commence at all if the event mentioned in paragraph (b) does not occur.	11 September 2021 (paragraph (b) applies)

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under the *Fair Work Act 2009*.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments

Part 1—Amendments commencing day after registration

Fair Work Regulations 2009

1 Regulation 1.03

Insert:

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*).

2 At the end of paragraph 1.07(3)(a)

Add:

or (iv) sexual harassment;

3 At the end of subregulation 5.01(2)

Add:

; (e) being satisfied under subregulation 6.07A(7) that a person making an application to the FWC under subsection 789FC(1) of the Act will suffer serious hardship if the person is required to pay the fee for the application.

**Part 2—Amendments relating to commencement of the Sex
Discrimination and Fair Work (Respect at Work)
Amendment Act 2021**

Fair Work Regulations 2009

4 Regulation 1.03 (definition of *sexually harass*)

Repeal the definition (including the note).

5 Part 6-4B (heading)

After “**bullied**”, insert “**or sexually harassed**”.

6 Division 2 of Part 6-4B (heading)

After “**bullied**”, insert “**or sexually harassed**”.