



## **Fair Work Commission Amendment (Stop Sexual Harassment) Rules 2021**

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I, Iain Ross AO, President of the Fair Work Commission, make the following rules.

Dated 4 November 2021

Iain Ross AO  
President of the Fair Work Commission

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## 1 Name

This instrument is the *Fair Work Commission Amendment (Stop Sexual Harassment) Rules 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. The whole of this instrument	11 November 2021.	11 November 2021

Note: This table relates only to the provisions of this instrument as originally made.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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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

### *Fair Work Commission Rules 2013*

**1 Subparagraph 12(2)(b)(ii)**

After “bullying”, insert “or sexual harassment”.

**2 Rule 23A (heading)**

After “**bullying**”, insert “**or sexual harassment**”.

**3 Subrule 23A(1) (note 2)**

After “behaviour”, insert “or sexual harassment”.

**4 Subrule 23A(3)**

After “behaviour”, insert “or sexual harassment”.

**5 Subrule 23A(3) (note 2)**

After “behaviour”, insert “or sexual harassment”.

**6 Subrule 45(2) (heading)**

After “*bullying*”, insert “*or sexual harassment*”.

**7 Clause 1 of Schedule 1 (note 2)**

After “bullying”, insert “or sexual harassment”.

**8 Clause 1 of Schedule 1 (table items dealing with Forms F72, F73 and F74)**

Repeal the items, substitute:

F72	Stop bullying or sexual harassment	Application for an order to stop bullying or sexual harassment (or both)	Subsection 789FC(1) of the Act and subrule 45(2)	Commission	The person named in the application as an employer or principal of the applicant	As soon as practicable after lodgment with the Commission
F72	Stop bullying or sexual harassment	Application for an order to stop bullying or sexual harassment (or both)	Subsection 789FC(1) of the Act and subrule 45(2)	Commission	(a) each person named in the application as engaging in bullying behaviour or sexual harassment (or both); and (b) each person named in the application as an employer or principal of a person covered by paragraph (a)	On the next business day after service of the application upon the person named in the application as the employer or principal of the applicant

**Schedule 1** Amendments

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F73	Stop bullying or sexual harassment	Response from an employer or principal to an application for an order to stop bullying or sexual harassment (or both)	Subrules 23A(1) and (2)	Person making the response	The following (other than the person making the response): (a) the applicant; (b) each person named in the application as engaging in bullying behaviour or sexual harassment (or both); (c) each person named in the application as an employer or principal of the applicant; (d) each person named in the application as an employer or principal of a person covered by paragraph (b)	Within 7 calendar days after the day the person was served with the application for an order to stop bullying or sexual harassment (or both)
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F74	Stop bullying or sexual harassment	Response from a person named as having engaged in bullying or sexual harassment (or both)	Subrule 23A(3)	Person making the response	<p>The following (other than the person making the response):</p> <ul style="list-style-type: none"> <li>(a) the applicant;</li> <li>(b) each person named in the application as engaging in bullying behaviour or sexual harassment (or both);</li> <li>(c) each person named in the application as an employer or principal of the applicant;</li> <li>(d) each person named in the application as an employer or principal of a person covered by paragraph (b)</li> </ul>	Within 7 calendar days after the day the person was served with the application for an order to stop bullying or sexual harassment (or both)
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