



President's statement

Fair Work Legislation Amendment (Secure Jobs, Better Pay) Act 2022

Justice Hatcher, President

Sydney, 23 February 2023

[1] This statement deals with amendments to *Fair Work Act 2009* (Fair Work Act) made by the *Fair Work Legislation Amendment (Secure Jobs, Better Pay) Act 2022* (Secure Jobs, Better Pay Act) relating to sexual harassment.

Background

[2] The Secure Jobs, Better Pay Act amends the Fair Work Act to include new provisions prohibiting sexual harassment in connection with work. The amendments will commence operation from 6 March 2023.

[3] The new sexual harassment jurisdiction implements Recommendation 28 of the *Respect@Work: National Inquiry into Sexual Harassment in Australian Workplaces Report* (published in March 2020).

Implementation report

[4] The Commission is today publishing the *Implementation Report: Sexual harassment in connection with work*, which discusses the Commission's expanded sexual harassment jurisdiction. The Implementation Report sets out information about the new jurisdiction and the Commission's approach to implementation.

[5] The purpose of the implementation report is to support engagement and consultation with the Commission's stakeholders and the public more generally about the implementation of the expanded jurisdiction, including on proposed procedural matters and draft materials.

Consultation and engagement process

[6] The Commission is committed to working with other agencies to ensure the amendments to the Fair Work Act are implemented efficiently and effectively. Commissioner McKinnon, as the National Practice Leader for anti-sexual harassment and bullying, will continue to lead this process.

[7] The Commission has already established a working group that includes representatives from organisations that represent the interests of, or advocate for:

- people with lived experience of sexual harassment
- workers who are at increased risk of experiencing sexual harassment, and
- organisations with experience dealing with sexual harassment claims.

[8] I thank all of the organisations and representatives involved in the working group for taking the time to provide input concerning the implementation of the Commission's expanded sexual harassment jurisdiction.

[9] In addition, members of the public are invited to comment on anything contained in the implementation report and the draft materials prepared by the Commission. In particular, the Commission is calling for feedback on:

- Draft revised forms F72, F73, F74 and F80.
- New forms F75, F76, F77 and F78
- New forms F72A, F73A and F74A
- Proposed case management processes

[10] Feedback regarding these items is to be sent to consultation@fwc.gov.au by **4 pm on Thursday 2 March 2023**.

[11] Information regarding the new sexual harassment jurisdiction and draft materials prepared by the Commission can be found on the sexual harassment amendments section on the Commission's website.

[12] More information regarding the implementation of the Secure Jobs, Better Pay Act more broadly can be found on the Commission's website.

PRESIDENT