PROHIBITING SEXUAL HARASSMENT IN CONNECTION WITH WORK A person alleges they have been sexually harassed at work in breach of the FW Act Application may be made by the aggreived person or persons, or by their union1 Application to the FWC to deal with a sexual harassment dispute to do either or both of the following Make a stop Deal with the dispute sexual harassment order FWC may dismiss application FWC may deal with FWC must start to deal with if made more than 24 months dispute by: the application within 14 days after alleged breach of application being made Mediation Conciliation Making a recommendation FWC will likely decide how Expressing an opinion it deals with applications (Not by arbitration, at this point) that seek a stop sexual harassment order and also FWC will determine procedure ask the FWC to otherwise deal for dealing with application with the dispute. FWC may deal with application for stop sexual harassment order first FWC must issue a certificate if satisfied that all reasonable attempts to resolve the dispute (other than by FWC may make stop sexual What the FWC decides to arbitration) have been or are harassment order if satisfied do will depend on a number likely to be unsuccessful that: of factors - the allegations made, parties involved - and it Must also advise if consider that Person has been sexually may not be the simple, linear arbitration or court application harassed, and process set out in this would not have reasonable There is a risk that person will prospects of success flow chart continue to be sexually harassed The FWC may make any order May seek it considers appropriate interim injunction (other than order for payment of money) to prevent aggrieved person being sexually harassed THREE OPTIONS Sexual harassment Take no further action **FWC** arbitration court application Notifying parties jointly notify Must be made within: the FWC that they agree to 60 days after certificate is issued arbitrate the dispute by FWC 14 days after person given notice 2 or more parties of removal from FWC dispute Aggrieved person or Any further period allowed by their union the court At least one of the respondents Notification within 60 days after FWO may decide to Application made to the day FWC issued certificate (or initiate court action if: Federal Court or the Federal period allowed by the FWC) Circuit and Family Court of A breach of prohibition Australia (Divn 2) on sexual harassment in FWC must notify parties connection with work, or who are not a notifying party A breach of a stop sexual that they are removed harassment order Court rules determine from dispute procedure to be followed for court application FWC may deal with dispute by arbitration, including by: Court may make any order Making specified orders that it considers appropriate Expressing specified opinions FW Act limits making of if satisfied that provisions court applications by have been breached, parties involved including: in arbitration Compensation Reinstatement Injunction Impose a penalty