



# DECISION

*Fair Work Act 2009*

s.527F - Application for an order to stop and deal with a sexual harassment dispute

**S. T.**

(SH2024/73)

DEPUTY PRESIDENT COLMAN

MELBOURNE, 7 AUGUST 2024

*Application for an order to stop sexual harassment and to deal with a dispute*

[1] S. T. (applicant) made an application under s 527F of the *Fair Work Act 2009* (Act) for the Commission to make an order under s 527J to stop sexual harassment, and to have the Commission otherwise deal with the dispute under s 527R. The parties jointly requested that their names be anonymised and I agreed.

[2] I conducted a determinative conference earlier today to determine the application for a stop order. The Commission can only issue such an order if it is satisfied both that the aggrieved person has been sexually harassed in contravention of the Act and that there is a risk that the person will continue to be sexually harassed (see s 527J(1)(b)). At the end of the conference I advised the parties that I did not consider there to be a risk that the applicant would be sexually harassed in the future. The named individual who made the sexist remark on 8 September 2023, V.N., stated in his response that he had been wrong to make the remark, and although it was not directed at the applicant, it was unprofessional and inappropriate. He said that he regretted making the applicant uncomfortable. The applicant did not question his remorse. The employer said that it had directed V.N. to stay away from the applicant and not to involve himself in her work, and that V.N. had complied with this direction. Since October 2023, the applicant has been absent from work. The employer undertook to the Commission that, when she returns, it will minimise V.N.'s contact with her as much as possible. In all the circumstances, I was not satisfied that there was a risk that the applicant would continue to be sexually harassed. I advised the parties that the requirement of s 527J(1)(b)(ii) was not established and that I therefore had no power to issue a stop order. This part of the application was determined accordingly.

[3] As to the second element of the application, I then proceeded to conduct a private conference to deal with the matter under s 527R.



DEPUTY PRESIDENT

*Determinative conference details:*

2024

Melbourne (by telephone)

7 August

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