


# Reporting options for NSW workers: workplace sexual harassment

Information on what is [workplace sexual harassment](#)\*.

This 4-page guide provides a general overview of the external reporting options available to NSW workers who may have experienced sexual harassment, and the outcomes available through each Government agency. If you are unable to report the issue to your workplace or are not satisfied with the response, you may want to consider these reporting options.


The guide contains general information only and does not set out all of the relevant laws or each agency's requirements. To understand which option may be most suitable for your circumstances, you may want to seek independent legal advice. You can call [Law Access NSW](#) on 1300 888 529 for further information and referrals to legal services.

SafeWork NSW has also developed a [Regulation Map for NSW Businesses](#) setting out the legal obligations in relation to workplace sexual harassment.

					
<b>Who they are</b>	SafeWork NSW (SafeWork) is the work health and safety (WHS) regulator for NSW. Laws administered by SafeWork include the <i>Work Health and Safety Act 2011</i> (NSW) ('WHS Act') and the <i>Work Health and Safety Regulation 2017</i> (NSW).	Anti-Discrimination New South Wales (ADNSW) is the New South Wales government body that administers the <i>Anti-Discrimination Act 1977</i> (NSW).	The Australian Human Rights Commission (AHRC) is Australia's National Human Rights Institution and an independent federal statutory agency.	The Fair Work Commission (FWC) is Australia's national workplace relations tribunal established by the Fair Work Act 2009 (Cth).	The NSW Police Force are the primary law enforcement agency in NSW.
<b>What they do</b>	SafeWork provides advice to workers, businesses, industry, workplaces and the community about workplace health and safety, which includes workplace sexual harassment.  SafeWork can investigate whether a duty holder has breached their WHS duties, engage with workers and businesses to improve workplace health and safety, and prosecute breaches of WHS laws.  SafeWork does not resolve individual disputes (e.g. via mediation).	ADNSW handles individual complaints of discrimination which includes sexual harassment. ADNSW responds to inquiries, investigates and resolves complaints, and raises awareness about discrimination.  This includes managing individual complaints from workers against others, including individuals and/or their employer.	The AHRC inquires into and attempts to conciliate discrimination and human rights complaints, including inquires into and attempts to conciliate complaints of sexual harassment under the <i>Sex Discrimination Act 1984</i> (Cth) (SD Act).  This includes managing individual complaints from workers against others in their workplace and/or their employer.  The AHRC is also responsible for promoting and enforcing compliance with the positive duty in the SD Act to eliminate workplace sexual harassment as far as possible.	The FWC makes awards, approves enterprise agreements and helps resolve issues at work. This includes dealing with applications for orders to stop workplace sexual harassment and, where the alleged sexual harassment commenced on or after 6 March 2023, dealing with workplace sexual harassment disputes through its dispute resolution powers.	Police investigate criminal conduct under the <i>Crimes Act 1900</i> (NSW) including sexual offences and personal violence offences. Some forms of sexual harassment may amount to criminal offences, or may be grounds for an Apprehended Violence Order (AVO) to be made for your protection.
<b>How do I lodge my request?</b>	You can lodge a request for service or incident report to SafeWork by: <ul style="list-style-type: none"> <li>• Completing the <a href="#">Psychosocial hazards request for service form</a></li> <li>• Making an anonymous report via the <a href="#">Speak Up Save Lives App</a></li> <li>• Email: <a href="mailto:contact@safework.nsw.gov.au">contact@safework.nsw.gov.au</a></li> <li>• Visiting the <a href="#">SafeWork contact us webpage</a></li> </ul>	You can lodge a complaint in writing by: <ul style="list-style-type: none"> <li>• Completing the <a href="#">ADNSW Online Form</a></li> <li>• Mailing the Form to <a href="#">Anti-Discrimination NSW</a></li> <li>• Lodging the Form by email to <a href="mailto:complaintsadb@justice.nsw.gov.au">complaintsadb@justice.nsw.gov.au</a></li> </ul> <p>If you are more comfortable writing your complaint in a language other than English, ADNSW can translate your complaint into English at no cost.</p>	You can lodge a complaint in writing by: <ul style="list-style-type: none"> <li>• Completing the <a href="#">AHRC Online Form</a></li> <li>• Mailing the Form to the <a href="#">Australian Human Rights Commission</a></li> <li>• Emailing the Form to <a href="mailto:complaints@humanrights.gov.au">complaints@humanrights.gov.au</a></li> </ul>	You can lodge an application for sexual harassment that commenced prior to 6 March 2023 through <a href="#">Form 72A</a>  For sexual harassment that commenced on or after 6 March 2023 through <a href="#">Form 75</a> .	You can make a report to the police by calling or attending your local police station.  There are often specialised departments that deal specifically with sexual offences.  You can also make an online report using the <a href="#">Sexual Assault Reporting Option (SARO)</a> .

<sup>1</sup>Except for NSW mine or petroleum sites, which are regulated by the NSW Resources Regulator.

\* Workplace sexual harassment includes sexual harassment that occurs in connection with work.

	 				 
<p><b>Do I have to lodge my request within a certain time?</b></p>	<p>No – there is no time limit to lodge a complaint to bring a complaint to SafeWork regarding a workplace health and safety incident.</p> <p>However, there may be time limits for criminal investigations and prosecutions. Reporting your concern or incident as close as possible to the time it happened may assist SafeWork’s response.</p>	<p>If the discrimination or harassment occurred more than 12 months ago, ADNSW can refuse to investigate your complaint. However, this decision is not automatic.</p> <p>You can explain the delay when you lodge your complaint and ADNSW has discretion to accept or refuse to investigate the complaint.</p>	<p>No – there is no time limit for the AHRC.</p> <p>However, if you lodge your complaint any longer than 24 months after the incident took place, the AHRC can refuse to investigate your complaint.</p>	<p>Yes – generally within 2 years of the last alleged incident.</p> <p>For sexual harassment that commenced before 6 March 2023, you can only lodge an application for a stop sexual harassment order. This application should only be made if there is a risk that sexual harassment will happen again.</p> <p>If your application relates to unfair dismissal or adverse action, you must lodge your application within 21 days of the dismissal.</p>	<p>No – however there may be legal time limits on when the police can prosecute certain crimes.</p>
<p><b>If my matter progresses, how will it be managed?</b></p>	<p>If you are unable to raise the issue with your workplace or are not satisfied with their response, you can report to SafeWork. SafeWork will assess your request and determine if any response is appropriate based on the information provided..</p> <p>When determining appropriate regulatory action, SafeWork takes a number of factors into account such as the level of risk of harm, and how SafeWork can assist the business to comply with their WHS duties and monitor their ongoing compliance.</p> <p>You can access further information on what to expect in relation to <a href="#">SafeWork’s incident response and investigations</a> online.</p>	<p>ADNSW can assist you to resolve your complaint through free dispute resolution processes such as voluntary conciliation.</p> <p>If your complaint is not resolved by conciliation, you have 21 days to request that ADNSW refer your complaint to the NSW Civil and Administrative Tribunal (NCAT) for a decision. Complaints may also be declined by ADNSW or withdrawn by the complainant at this stage.</p>	<p>The AHRC will assess the complaint and decide whether it should be investigated and progress to free and voluntary conciliation.</p> <p>If your complaint is not resolved at conciliation the complaint will be terminated.</p> <p>Once your complaint is terminated, you have 60 days in which you can apply to the Federal Court of Australia or the Federal Circuit and Family Court of Australia to seek a decision about your complaint.</p> <p>In some situations you will need the Court’s permission to take the matter to Court.</p>	<p>How the FWC deals with your sexual harassment complaint depends on when the alleged sexual harassment commenced:</p> <ul style="list-style-type: none"> <li>• If you experienced workplace sexual harassment that happened or started before 6 March 2023 then you can make an application for an order to stop sexual harassment only.</li> <li>• If you have experienced workplace sexual harassment that happened on or after 6 March 2023, then you can make an application for a stop sexual harassment order and/or for the FWC to deal with the dispute using its wider dispute resolution powers.</li> </ul> <p><b>Stop sexual harassment order</b> A stop sexual harassment order is an order to prevent ongoing sexual harassment at work.</p> <p>Stop sexual harassment orders can only be made where there is risk you will be subjected to further sexual harassment. This means that if you or the person who sexually harassed you is no longer part of the workplace or organisation, an order will not be made.</p> <p><b>Dispute resolution powers</b> The FWC will assess your application and decide on the appropriate next steps for your case. This can include dispute resolution processes such as:</p> <ul style="list-style-type: none"> <li>• Holding a Member conference (an informal and interactive discussion with a FWC Member)</li> <li>• Conciliation</li> <li>• Arbitration (where an independent decision maker hears the case and makes a decision). This is only possible if the FWC is satisfied attempts to resolve the dispute have been, or are likely to be, unsuccessful and at least two parties agree to arbitration within the timeframe (60 days after the FWC has issued a certificate)</li> </ul>	<p>The NSW Police Force may request a statement and conduct an investigation of the reported incident.</p> <p>Any investigation will be led by a detective who will be the main point of contact and will update you on the process.</p> <p>The investigation process includes collecting and examining evidence.</p> <p>If there are sufficient grounds and the behaviour amounts to a criminal offence, the police can commence criminal proceedings.</p> <p>If the police determine the person presents a threat to your safety or is causing you to fear for your safety, they may apply to the court for an AVO for your protection.</p>

					
<p><b>What outcomes can I get?</b></p>	<p>SafeWork focuses on strengthening workplace systems to ensure appropriate measures are in place to eliminate or minimise the risk of harm to workers.</p> <p>While SafeWork NSW investigates complaints from workers about possible breaches of WHS legislation, it does not manage workplace disputes or award individual remedies (e.g. does not order mediation, compensation, an apology).</p> <p>As part of its regulatory activities, SafeWork can require a business to:</p> <ul style="list-style-type: none"> <li>• Change their policies</li> <li>• Update their risk registers and implement a plan to control risks</li> <li>• Implement suitable training (for example sexual harassment training)</li> <li>• Make changes to the workplace by issuing improvement or prohibition notices.</li> </ul> <p>For serious breaches of WHS duties, SafeWork can progress to criminal prosecution which may result in fines. The Court may also issue sentencing orders, including:</p> <ul style="list-style-type: none"> <li>• Adverse publicity orders</li> <li>• Orders for restoration</li> <li>• Training orders.</li> </ul>	<p>Outcomes from an ADNSW-facilitated conciliation can include:</p> <ul style="list-style-type: none"> <li>• An apology or statement of regret</li> <li>• Your employer implementing certain actions such as training or changing existing policies or developing new policies</li> <li>• Financial compensation</li> <li>• Any other measures that the parties agree to.</li> </ul> <p>NCAT outcomes can include:</p> <ul style="list-style-type: none"> <li>• Orders for the person who sexually harassed you or your employer to pay you damages (up to \$100,000)</li> <li>• Orders to stop the person who sexually harassed you or your employer from continuing or repeating any unlawful conduct</li> <li>• Orders requiring the person who sexually harassed you or your employer to publish an apology or a retraction</li> <li>• Orders requiring the person who sexually harassed you or your employer to redress loss or damage that you have suffered.</li> </ul> <p>You can contact NCAT if you would like more information on this process.</p>	<p>Outcomes from an AHRC-facilitated conciliation can include:</p> <ul style="list-style-type: none"> <li>• An apology or statement of regret</li> <li>• Job reinstatement</li> <li>• Compensation for lost wages</li> <li>• Compensation for general damages</li> <li>• Your employer implementing certain actions such as training or changing/developing clear policies.</li> </ul> <p>Any outcomes must be agreed to by the relevant parties.</p> <p>If the complaint progresses to Court following the termination of the complaint, outcomes can include:</p> <ul style="list-style-type: none"> <li>• Orders requiring the payment of compensation to you</li> <li>• Orders requiring employment or re-employment if you were unlawfully terminated</li> <li>• Orders requiring your employer to perform reasonable acts to redress loss.</li> </ul> <p>You can contact the Federal Court of Australia or the Federal Circuit and Family Court of Australia if you would like more information about this process.</p>	<p>When making an order to stop sexual harassment, the FWC can include any order it considers appropriate (other than payment of financial compensation). For example:</p> <ul style="list-style-type: none"> <li>• That the business make changes to working arrangements</li> <li>• That the business regularly monitor the behaviour of a worker</li> <li>• That the person who has engaged in the harassing conduct apologise</li> <li>• That someone develop or comply with a workplace policy</li> <li>• That workers be given information or training in relation to sexual harassment.</li> </ul> <p>When matters are resolved through (informal) conciliation by voluntary agreement between the parties, outcomes are decided by the parties. These might for example include:</p> <ul style="list-style-type: none"> <li>• Changes in work arrangements</li> <li>• Implementation of staff training</li> <li>• Updates to internal policies and procedures</li> <li>• A safety risk assessment of a workplace.</li> </ul> <p>For applications in relation to conduct that commenced on or after 6 March 2023 where the FWC deals with the dispute through its broader dispute resolution powers:</p> <ul style="list-style-type: none"> <li>• The FWC can hold a conference to help parties reach agreement. The FWC can also make a recommendation or express an opinion (these are the FWC's views and are not legally binding).</li> <li>• If the FWC is satisfied attempts to resolve the dispute have been, or are likely to be, unsuccessful, the FWC must issue a certificate. Parties can then proceed to consent arbitration or make an application to Court.</li> </ul> <p>Where the matter proceeds to (formal) consent arbitration, possible outcomes include the FWC:</p> <ul style="list-style-type: none"> <li>• Making orders for the payment of compensation or lost wages</li> <li>• Making orders to make up for loss or damage suffered by an aggrieved person</li> <li>• Expressing an opinion that a respondent sexually harassed an aggrieved person or contravened the prohibition on sexual harassment through vicarious liability</li> <li>• Expressing an opinion that it would be inappropriate for any further action to be taken.</li> </ul>	<p>Outcomes will depend on the police investigation of the report and incident.</p> <p>Investigations will be victim centric and your wishes with regards to the matter determine the possible outcome. This may include criminal charges, a criminal conviction or protection by way of an AVO.</p>



	 		 	 	 
<b>Is it free to lodge a complaint?</b>	Yes	Yes If the complaint progresses to NCAT, there is no lodgement fee. Generally, NCAT is an 'own costs' jurisdiction. This means that in most circumstances each party will pay their own legal costs.	Yes If the complaint progresses to the Court, there may be lodgement fees and legal costs.	Yes For an application related to conduct that began on or after 6 March 2023 only. There is a fee for lodging an application to stop sexual harassment that began or occurred before 6 March 2023. You can apply for a waiver of the fee if you are facing serious financial hardship. Parties to court proceedings before the FWC pay their own costs.	Yes
<b>Can I contact the agency anonymously?</b>	Yes Although, this may impact how your complaint is investigated as well as the outcome.	Yes Enquiries can be made anonymously however you cannot make an anonymous complaint.	Yes However this may impact the complaint process including a respondent's ability to engage.	No You can apply for a confidentiality order if you wish to keep any information provided to the FWC confidential.	Yes However this may impact the response by police and the possible outcomes.
<b>How long will it take for my request to be resolved?</b>	The timeframe for an outcome will depend on the circumstances of each individual request.	ADNSW resolves most complaints within five months, but some complaints will be fast-tracked if they require urgent action. For example, if someone is about to lose their job.	The AHRC estimates that the process of resolving a complaint takes at least 5 months.	The FWC must start to deal with an application for a stop sexual harassment order within 14 days after the application is made. The timeframe for any FWC outcome will depend on each individual case.	The timeframe for an outcome will depend on each individual investigation and case.
<b>Can I apply to other pathways at the same time?</b>	You can make a request to SafeWork at the same time as pursuing other external legal pathways.	You can make a complaint to ADNSW at the same time as pursuing other external legal pathways, but ADNSW may adjourn the matter until your other complaint is resolved or decline a matter in some circumstances. For example, ADNSW may decide not to continue with your complaint if it has been, is being, or should be dealt with by another body.	If you have a matter open with ADNSW or the FWC, you cannot seek a resolution through the AHRC based on the same set of facts. If you have made a complaint to ADNSW, the AHRC will not be able to accept the same complaint even if it is withdrawn or finalised by ADNSW. If you have made a complaint to the FWC and it has been withdrawn or finalised by the FWC, the AHRC may be able to inquire into it.	You can apply for a stop sexual harassment order at the same time as pursuing other external legal pathways. If you have a matter on foot with ADNSW or AHRC, you cannot seek a resolution through the FWC's wider dispute resolution powers for the same set of facts.	You can report to the police at the same time as pursuing other external legal pathways. Your report may be referred to another relevant agency with your consent.
<b>Where can I find more information?</b>	W: <a href="https://safework.nsw.gov.au">safework.nsw.gov.au</a> <a href="https://nsw.gov.au/respect-at-work">nsw.gov.au/respect-at-work</a> T: 13 10 50 E: <a href="mailto:contact@safework.nsw.gov.au">contact@safework.nsw.gov.au</a>	W: <a href="https://antidiscrimination.nsw.gov.au">antidiscrimination.nsw.gov.au</a> T: (02) 9268 5544 or 1800 670 812 E: <a href="mailto:complaintsadb@justice.nsw.gov.au">complaintsadb@justice.nsw.gov.au</a>	W: <a href="https://humanrights.gov.au">humanrights.gov.au</a> Respect@Work Information Service T: 1300 656 419 (option 1) E: <a href="mailto:Respect@humanrights.gov.au">Respect@humanrights.gov.au</a>  <b>Alternative contact</b> National Information Service T: 1300 656 419 (Option 2) E: <a href="mailto:infoservice@humanrights.gov.au">infoservice@humanrights.gov.au</a>	W: <a href="https://fwc.gov.au/issues-we-help/sexual-harassment">fwc.gov.au/issues-we-help/sexual-harassment</a> T: 1300 799 675 E: <a href="mailto:enquiries@fwc.gov.au">enquiries@fwc.gov.au</a>	W: <a href="https://portal.police.nsw.gov.au/adultsexualassault">portal.police.nsw.gov.au/adultsexualassault</a> Phone: Your local Police station and request to speak with the Sexual Violence Portfolio Holder (SVPH)

## Notes:

- This guide provides general information only and is not legal advice. To determine whether you are eligible to pursue these legal pathways, whether someone can lodge a request on your behalf, or if your workplace is covered by these laws, you may need to contact these agencies and/or obtain legal advice.
- The information contained in this guide is accurate at the time of publication. However, relevant agencies and legislation may change over time. Information on the latest laws can be checked by visiting the NSW legislation website [legislation.nsw.gov.au](https://legislation.nsw.gov.au) or the Federal Register of Legislation website [legislation.gov.au](https://legislation.gov.au). You can also contact the relevant agencies for up-to-date information.
- This guide does not provide information on other possible external legal pathways such as workers compensation claims, the Victims Support Scheme, the Fair Work Ombudsman or the Industrial Relations Commission of NSW. Please contact the relevant organisations if you require more information.