



Regulator and reporting map

Regulating workplace
bullying and harassment



Government
of South Australia

SafeWork SA

This regulator and reporting map provides an overview of the agencies regulating workplace psychosocial hazards, including bullying and sexual or gender-based harassment.

Businesses¹ have a duty to proactively identify and manage the risk of exposure to these types of psychosocial hazards. While workers are expected to first attempt to resolve workplace issues internally if safe and feasible, in some cases internal resolution may not be possible. In these instances, it may be necessary to make a report to a regulatory or statutory agency.

This map is designed to help you to understand agency roles and identify the appropriate agency for each circumstance. If unsure, seeking legal advice is recommended. It's also important to [seek support](#) as needed.

In Australia, complaints about workplace sexual harassment can be handled by several different government agencies. Each has different powers, processes and potential outcomes. [This tool from the Fair Work Commission](#) can also help you decide which agency or agencies may be able to help you.

Information in this document is also provided about legal protections against workplace violence and harassment through Workplace Protection Orders.

¹ For the purpose of this guidance, 'businesses' refers to employers and persons conducting a business or undertaking (PCBUs) as defined under the Work Health and Safety Act 2012. PCBU is a broad term used throughout Work Health and Safety (WHS) legislation to describe all forms of modern working arrangements.

NOTE: The information provided is intended as a guide and does not constitute legal advice. The information provided in this document is accurate at the time of publication and may change over time.

Which door or option would be the right one?



Key agencies and their responsibilities

	SafeWork SA	Equal Opportunity SA	Australian Human Rights Commission (AHRC)	Fair Work Commission (FWC)	Fair Work Ombudsman (FWO)
Legislation	Work Health and Safety Act 2012 WHS Act	Equal Opportunity Act 1984 EO Act	Australian Human Rights Commission Act 1986 AHRC Act Sex Discrimination Act 1984 SD Act	Fair Work Act 2009 FW Act	Fair Work Act 2009 FW Act
Role	SafeWork SA (SWSA) is SA's work health and safety regulator. SWSA works with SA workplaces to improve work health and safety (WHS) and ensure safe systems of work are in place. SWSA regulates psychosocial hazards in the workplace. It monitors compliance, investigates potential breaches of WHS duties, and enforces or penalises non-compliance by duty holders. SWSA does not make enquiries or examine matters relevant to the accuracy or credibility of a complainant's allegations (for example, 'taking sides'). It also does not provide legal advice, counselling, financial compensation to persons making complaints or settle individual disputes.	Equal Opportunity SA (EOSA) is SA's independent statutory human rights body. EOSA assists workers and other parties to resolve complaints about sexual and gender-based harassment, discrimination and victimisation through resolution or referral to other agencies.	The Australian Human Rights Commission (AHRC) is Australia's independent national human rights institution. The AHRC enquires into, and attempts to resolve complaints about workplace sexual harassment, sex-based harassment and sex discrimination complaints. The AHRC helps people resolve complaints through a process called conciliation. This informal approach encourages both sides to share their story and find a way forward. The AHRC also ensures compliance with the positive duty to prevent sexual harassment, sex discrimination under the SD Act.	The Fair Work Commission (FWC) is Australia's national workplace relations tribunal. It: - assesses applications from workers for stop bullying and sexual harassment orders - resolves disputes about pay and conditions through conciliation, mediation and formal hearings - hears unfair dismissal and general protections applications - sets and reviews minimum wages, National Employment Standards, and modern awards - approves, varies, or terminates enterprise agreements.	The Fair Work Ombudsman (FWO) is the national workplace relations regulator. It does not handle applications from workers for stop bullying or sexual harassment orders. However, it does: - provide information about protections from workplace bullying and harassment - investigate non-compliance with stop bullying or harassment orders - investigate and take action for non-compliance with a FWC stop bullying or harassment order. The FWO also provides information on pay rates and workplace rights, obligations and protections, and enforces compliance with the FW Act.

Obligations and reportable matters

Who do businesses have obligations to?	SafeWork SA	Equal Opportunity SA	Australian Human Rights Commission (AHRC)	Fair Work Commission (FWC)	Fair Work Ombudsman (FWO)
	Under the WHS Act, businesses have a duty to ensure, so far as is reasonably practicable, the health and safety of workers and all other persons who may be affected by the relevant activity (work). 'Workers'², defined broadly by the WHS Act, include: - employees - contractors and sub-contractors outworkers - labour-hire workers - apprentices, trainees or work experience students - volunteers. Businesses may also have health and safety obligations to other members of the public, such as visitors or clients.	The EO Act provides protections for workers against sexual and gender-based harassment, discrimination and victimisation in workplaces. The EO Act protects: - any person engaging in work, including apprentices, volunteers contractors and outworkers - any person seeking work - other people in workplaces such as customers and patients.	Businesses have obligations to 'workers' and other third parties under the SD Act, which include: The EO Act protects: - employees - contractors - labour-hire workers outworkers - apprentices or trainees students and persons on work experience - volunteers - other members of the public, such as customers, clients or patients.	Most private sector businesses³ have obligations to their workers under the FW Act in connection with work. This can include any place where work is performed, work-related communications, and events (for example, conferences, training, or functions organised by the business). This includes: - employees - prospective employees - contractors and subcontractors - small business owners who work in the business - labour hire workers outworkers - an apprentice or trainee - some volunteers, work- experience students or interns - other workers in less traditional working arrangements (such as the gig economy).⁴	

² The extent to which people who perform 'gig-work' are considered workers depends on whether they meet the definition of worker under the WHS Act. The person conducting the business or undertaking is also a worker if the person is an individual who carries out work in that business or undertaking.

³ The Fair Work Act 2009 covers workers engaged with a constitutional corporation. (Sole traders / partnerships are excluded). The Fair Work Act 1994 (SA) applies to employment in SA's public sector and local government, and related disputes are heard by the SA Employment Tribunal (SAET). SAET also deals with industrial disputes under that Act, including those involving public sector and local government employees.

⁴ These are workers who satisfy two or more of the following characteristics: Low bargaining power; Low authority over the performance of work; Receives remuneration at or below the rate of employees performing comparable work.

Obligations and reportable matters

	SafeWork SA	Equal Opportunity SA	Australian Human Rights Commission (AHRC)	Fair Work Commission (FWC)	Fair Work Ombudsman (FWO)
Can businesses be legally responsible for the behaviour of their workers?	Yes. Businesses have a positive duty to ensure the health and safety of workers and others, as far as is reasonably practicable. This means that businesses must proactively and continuously manage psychosocial risks like high work demands and sexual harassment. This includes protecting workers from being harassed by others, including (but not limited to) co-workers, clients, and members of the public. Liability for breaches can result in criminal penalties, prosecutions, or enforceable undertakings for serious breaches of health and safety laws and civil liability to compensate if harm arises.	Yes. Businesses have an obligation to take reasonable steps to prevent sexual and gender-based harassment, discrimination and victimization. Failure to do so can mean the business is responsible for the conduct of its workers and agents and liable to pay compensation or other orders the South Australian Civil and Administrative Tribunal might make. The EO Act outlines explicitly the vicarious liability businesses have for workers' actions unless they can demonstrate that reasonable steps were taken to prevent the conduct.	Yes. The SD Act provides that employers and principals can be held liable for unlawful conduct, such as sexual harassment and sex-based harassment, committed by their employees and agents in connection with their employment or duties as an agent (known as vicarious liability) unless they can prove that they took all reasonable steps to prevent the unlawful conduct.	Yes. Under the FW Act, an employer or principal can be held vicariously liable for unlawful actions, such as bullying and sexual harassment, committed by their workers or agents in connection with their employment unless they can prove that they took all reasonable steps to prevent the conduct.	

Obligations and reportable matters

What is reportable?	SafeWork SA	Equal Opportunity SA	Australian Human Rights Commission (AHRC)	Fair Work Commission (FWC)	Fair Work Ombudsman (FWO)
	Persons conducting a business (PCBU) or undertaking are legally obligated to notify SWSA as soon as possible after becoming aware of work-related fatalities and when workers require hospital treatment after exposure to psychosocial hazards. Generally, workers are expected to attempt to raise and resolve concerns about bullying or harassment internally within their workplace before reporting to SWSA. However, in some circumstances this is not possible, and they can report concerns about bullying, harassment and other psychosocial hazards to SWSA. SA Police should be contacted for alleged criminal conduct. This includes sexual and physical assault and stalking.	There are no prescribed legal obligations to make a report to EOSA. A complaint can be made to EOSA about sexual and gender-based harassment, discrimination and victimisation in workplaces under the EO Act. The person subjected to discrimination, sexual harassment or victimisation can make a complaint to EO SA regardless of whether they have first tried to deal with it themselves (for example, raising it internally at their workplace).	There are no prescribed legal obligations to make a report to the AHRC. Complaints can be made about sexual harassment, sex-based harassment, sex discrimination and being subjected to a hostile workplace based on sex. Under the positive duty in the SD Act, businesses must take reasonable and proportionate measures to eliminate 'relevant unlawful conduct'. A report can be made about a suspected breach of the positive duty in the SD Act (positive duty form). This is different to making a complaint. For more information, see Respect@ Work Information Service.	There are no prescribed legal obligations to make a report to the FWC. Eligible workers can report bullying to the FWC and can apply for a stop bullying order. Eligible workers can also report workplace sexual harassment to the FWC and apply to resolve a sexual harassment dispute. Additionally, individuals can make general protection claims if they experience adverse actions—such as dismissal, demotion, or discrimination—because they exercised a workplace right, complained about harassment, or because of their features or attributes.	There are no prescribed legal obligations to make a report to the FWO. The FWO is not a reporting agency for bullying, harassment or other psychosocial hazards. However, it can help with: • advice on laws prohibiting workplace bullying and sexual harassment in the FW Act • taking action when someone doesn't • comply with stop bullying or sexual harassment at work orders from the FWC • investigating non-compliance that occurred on or after 6 March 2023. Workplace bullying and sexual harassment reports can overlap with other issues under the FW Act. The FWO may, with the consent of the person who made the report, refer their report to another agency, such as the FWC, for assistance with immediate concerns (for example, a stop sexual harassment order).

Obligations and reportable matters

	SafeWork SA	Equal Opportunity SA	Australian Human Rights Commission (AHRC)	Fair Work Commission (FWC)	Fair Work Ombudsman (FWO)
Is it reportable if it occurs outside a traditional workplace setting or work hours?	Potentially. The WHS Act broadly defines workplaces as ‘a place where work is carried out for a business or undertaking and includes any place where a worker goes, or is likely to be, while at work.’ This also includes (but is not limited to) work conducted online, work events and work-related activities arranged by, or associated with, the workplace.	Yes. Sexual and gender-based harassment, discrimination and victimisation are unlawful wherever and whenever it happens in South Australia.	Yes. The SD Act prohibits sexual harassment and sex-based harassment when it occurs between people who have a specific work relationship, regardless of where the conduct occurs. It is also prohibited if it occurs in connection with a person being either an employer, an employee, a person conducting business, or a worker. This includes (but is not limited to) physical, remote, and virtual settings and activities connected to work, such as training, travel, and social events. Overall, the perspective is broad and can encompass many activities.	Yes. The FW Act prohibits bullying and sexual harassment occurring in connection with work. Applications can be lodged with the FWC if the behaviour occurred outside a traditional workplace setting or workplace hours as long as it is connected to the work environment. The FWC considers the workplace to include physical, remote, and virtual settings and activities connected to work, such as training, travel, and social events.	Yes. The FW Act prohibits bullying and sexual harassment occurring in connection with work. The FWO accepts reports of behaviour connected to a work environment. The FWO considers a work environment to include physical, remote, and virtual settings and activities connected to work, such as training, travel, and social events.

Reporting process

Who can make a report?	SafeWork SA	Equal Opportunity SA	Australian Human Rights Commission (AHRC)	Fair Work Commission (FWC)	Fair Work Ombudsman (FWO)
	- Persons affected by workplace psychosocial hazards including bullying and harassment can make a report. - Another person can make a report on behalf of the affected person with their consent. In these cases, SWSA may still need to contact the affected person at some point to investigate the matter further.	- The person subjected to sexual and gender-based harassment, discrimination, or victimization can make a complaint. - An agent of the person can make a complaint. - Someone else (for example, a parent or guardian) may be authorised to make a complaint on their behalf if the person cannot themselves.	<u>Complaints</u> - The affected person can make a complaint. - Another person can make a complaint on behalf of an affected person with their written consent. - A trade union can make a complaint on the affected person's behalf. - A legal representative can make a complaint on behalf of their client who is an affected person. <u>Positive duty reports</u> - Anyone can provide information to the AHRC via the online form concerning a suspected positive duty breach.	- The affected person can make a report. - A union or employer association can make a report on the affected person's behalf. - Two or more people can make a joint report against one or more people, workplaces, or principals.	- The affected person can make a report. - Any person can make a report to the FWO on behalf of the affected person.

Workplace Protection Orders

What are they?	Where can they be put in place?	Who can apply for one and how?
In SA, criminal trespass only applies for 24 hours. This means that if a person engages in criminal behaviour in a workplace they can return to that workplace after 24 hours. The Workplace Protection (Personal Violence) Act 2025 (Workplace Protection Act) provides additional protection for workers and other people in workplaces. Since 4 May 2026, workers can receive additional protection against violence and harassment any places where they perform work through a Workplace Protection Order (WPO). The Magistrates or Youth Court can impose a WPO against a person if satisfied that they have engaged or may engage in personal violence in relation to a workplace. The Workplace Protection Act defines 'personal violence' as any of the following behaviour in relation to another person: • Physical violence or abuse. • Sexual violence or abuse. • Threatening behaviour. • Stalking. • Harassing, intimidating, or offensive behaviour. • Damaging property. If a WPO is granted, the defendant (worker or other person) who is subject to the WPO would be barred from entering the specified workplaces for up to 12 months. Courts can extend WPOs for longer periods. A police officer may arrest and detain a person suspected of contravening a WPO. Violating a WPO is a criminal offence, potentially leading to up to between two years to five years imprisonment.	Workplaces that require direct interaction with members of the public may be subject to WPOs. The interaction does not have to be 'in person' and can include electronic or telephone communication with the public. Examples of such workplaces are supermarkets, hospitals, petrol stations, retail shops, and call centres. Workplaces which are not subject to WPOs include commercial construction sites and factories to which entry by members of the public is restricted and where usual business does not involve electronic or telephone communication with members of the public.	Workers cannot directly apply for a WPO. Applications for WPOs can be submitted to the Magistrates Court or the Youth Court by: • Employers • Owners of the workplace premises • Union officials • Health and Safety Representatives

Note that a WPO should not be relied on as the only means of reducing the risk of violence and other harmful behaviours in workplaces.

Persons conducting a business or undertaking should still take other reasonably practicable steps to prevent workers and other persons in workplaces from being exposed to violence and other harmful behaviours.