



# Positive duty checklist

## Knowledge and leadership

Be aware of your new and expanded obligations under the positive duty laws and take additional steps to prevent harassment, discrimination and victimisation.



## Consult with your workers

Promote a positive workplace culture where people can speak up about harassment and discrimination and find out what they need for a safe, inclusive and respectful workplace.



## Assess risk

Conduct formal risk assessments to identify areas where unlawful conduct may occur.



## Develop a prevention and response plan

Identify the reasonable and proportionate measures you will take to eliminate the risk of harassment, discrimination and victimisation occurring. Ensure you have a Sexual Harassment Prevention Policy and a Complaints and Response Procedure.



## Implement action plans

Roll out the necessary changes. Monitor for effectiveness and make adjustments where necessary.



## Provide regular and targeted training

Educate and train workers at every level of the organisation regarding prohibited conduct, expected standards of behaviour and what to do if they experience or witness sexual harassment.



## Retain records

Including evidence of assessments, consultation, compliance activities and actions taken to meet your positive duty obligations.



# Your positive duty and WHS requirements

## Did you know: new sexual harassment laws can find employers vicariously liable for the actions of workers?

Under Work, Health and Safety (WHS) legislation all person's conducting a business or undertaking (PCBU's) must ensure workers and others are not exposed to risks or hazards to their physical or psychosocial health and safety in the workplace.

To address workplace sexual harassment and discrimination a positive duty has been introduced under the *Anti-Discrimination Act 1992 (NT)* requiring all employers take meaningful and proactive actions to **prevent** and eliminate, the following 'relevant unlawful conduct' from the workplace:

- Sexual harassment
- Harassment on the ground of sex
- Discrimination on the ground of sex
- Hostile workplace environments, and
- Related acts of victimisation

*In force from:*  
**6 Jan 2025**

The new laws provide greater protection to workers while making both harassers and employers accountable for their actions.

Employers and organisations can avoid liability if they can demonstrate every reasonable measure was taken to prevent workplace discrimination, sexual harassment and victimisation from occurring.

### NT Worksafe recommends you apply: The four-step Risk Management approach

- 1. Identify Hazards:** Identify when, where and how discrimination, harassment and victimisation could occur in the workplace and who is likely to be affected. Hazards and risks will be unique to your workplace, activities and worker population.
- 2. Assess Risks:** Consider the potential duration, frequency and severity of the risk, how it may impact or interact with other psychosocial hazards, and review existing controls. Assess whether each risk can be eliminated, or minimised.
- 3. Control risks:** Introduce control measures to eliminate the risk wherever possible or minimise the risk as far as possible. Consider factors such as systems of work, how work is managed, environment, workplace interactions, education and training and how workers are supervised.
- 4. Monitor and review:** Review control measures for safety, relevance and effectiveness and monitor for new hazards or risks. Engage and consult with your workers at every step.

Your obligations under the positive duty are in addition to your existing WHS obligations as a PCBU.

Visit [worksafe.nt.gov.au](https://worksafe.nt.gov.au) for more information and use the checklist overleaf to check your WHS measures align with positive duty requirements.