

# Employer's Guide to Meeting Positive Duty Requirements

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<b>Contact details</b>	NT WorkSafe
<b>Approved by</b>	Peggy Cheong, Executive Director NT WorkSafe
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# What are Positive Duties?

Person's conducting business or undertakings (PCBU's) in the Northern Territory have an existing duty under the Work, Health and Safety (National Uniform Legislation) Act (2011) to ensure the health and safety of workers. A PCBU must ensure, so far as is reasonably practicable, workers and other persons are not exposed to risks to their psychological or physical health and safety, including risks from psychosocial hazards such as sexual and gender-based harassment and discrimination.

In 2022 amendments were introduced to the NT Anti-Discrimination Act, 1992 (part 2A) that provided a **positive duty** to prevent and eliminate discrimination, sexual harassment and victimisation to the greatest extent possible. The new positive duty is about preventing harm before it happens, and responding appropriately if it does occur.

The new positive duty applies to all businesses and organisations in the Northern Territory and will be enforceable from 6<sup>th</sup> January 2025. In order to meet the new requirements your business or organisation may need to implement a range of additional measures and/or update and strengthen existing measures.

While this guide focuses on the positive duty related to sexual harassment and sex-based discrimination it is important to note that the Northern Territory positive duty applies to all twenty four protected attributes in relation to discrimination and in seven areas where discrimination can occur. These are listed in the tables below.

## Twenty Four (24) protected attributes in the Northern Territory

- Race
- Sex
- Age
- Pregnancy
- Disability
- Gender Identity
- Sexual Orientation
- Sex Characteristics
- Relationship Status
- Accommodation Status
- Employment Status
- Irrelevant Criminal record
- Religious belief or activity
- Language, including signed language
- Past or present employment in sex work
- Carer Responsibilities
- HIV / Hepatitis status
- Trades union or employer association activity
- Political opinion, affiliation or activity
- Person's details under s. 66M of the *Fines and Penalties (Recovery) Act 2001*
- Association with person who has or is believed to have a protected attribute
- Breast Feeding
- Irrelevant medical record
- Subjected to Domestic Violence

## Seven (7) areas where the positive duty applies

- Work
- Education
- Accommodation
- Clubs
- Goods, services and facilities
- Insurance or superannuation
- The administration of laws and government programs

## Applicable legislation

- Work, Health and Safety (National Uniform Legislation) Act (2011)  
Part 3.2 General Workplace Management – Division 11:  
Psychosocial risks
- NT Anti-Discrimination Act (1992), Part 2A



# Why has the new positive duty been introduced?

Sexual harassment in Australian workplaces is a widespread and pervasive problem, and more work needs to be done to make work safe, respectful and fair. Results from the *'Time for respect; Fifth national survey on sexual harassment in Australian workplaces 2022'* found that **one in three** Australian workers reported experiencing workplace sexual harassment in the previous five years and **66%** of workers felt their employer wasn't doing enough to prevent the problem.

In response, a proactive and preventative approach has been implemented Australia-wide. The positive duty is about preventing harm before it happens and responding appropriately if it does occur. The new duty aims to complement and strengthen existing workplace protections such as those set out in work health and safety (WHS) law, Anti-Discrimination law and Fair Work law.

## Who does the positive duty apply to?

The positive duty applies to all PCBUs, businesses and organisations in the Northern Territory and Australia regardless of their size. This includes: self-employed individuals and sole-traders, small, medium and large businesses and organisations, government, volunteers, students undertaking work experience, apprentices and trainees, contractors and subcontractors.

The positive duty requires businesses and organisations to take action to eliminate, as far as possible, relevant unlawful conduct (see below) carried out:

- by employees of the same organisation including managers/employees or co-workers;
- by an employee and someone connected to the organisation for work purposes (volunteer, intern, consultant etc.);
- by an employee and a potential employee.

The positive duty includes unlawful conduct engaged in:

- **between** the above persons and/or **towards** the above persons, and;
- conduct engaged in by **third parties** towards persons with whom they come into contact with in connection with their work (such as customers, clients, visitors, suppliers, patients, investors or members of the public). Third parties can pose a significant risk to workers therefore businesses and organisations must recognise the importance of protecting their workers.

Under the new positive duty laws employers can be held liable for conduct carried out by their workers unless they can demonstrate they took appropriate and proactive measures to prevent and eliminate harassment, discrimination and victimisation from occurring in the first place.

## Five categories of relevant unlawful conduct

To prevent relevant unlawful conduct it is important to understand what this conduct is. Relevant unlawful conduct includes:

1. discrimination on the ground of sex in a work context;
2. sexual harassment in connection with work;
3. sex-based harassment in connection with work;
4. conduct creating a workplace environment that is hostile on the ground of sex, and;
5. related acts of victimisation.

# 1. Sex discrimination

Sex discrimination refers to unfair or less favourable treatment of a person based on their sex, or characteristics generally associated with people of their sex. For example:

- Making assumptions about what sort of work people are capable - or not capable - of performing, because of their sex.
- The mistaken belief that the best way to ensure fairness between people of different sexes is to treat them exactly the same.

# 2. Sexual harassment

Under the NT Anti-Discrimination Act (1992) sexual harassment takes place if a person:

- Subjects another person to an unwelcome act of physical intimacy;
- Makes an unwelcome demand or request (whether directly or by implication) for sexual favours from the other person;
- Makes an unwelcome remark with sexual connotations, or;
- other unwelcome conduct of a sexual nature in relation to the person harassed.

Sexual harassment is any unwelcome conduct of a sexual nature that occurs in circumstances in which a reasonable person, aware of those circumstances, would anticipate that the person being harassed might feel offended, humiliated or intimidated, or that the person is, or reasonable believes they are likely to be, subjected to some detriment if they object to the act, demand or request, remark or conduct.

It can be overt (obvious), covert (hidden), and difficult to detect. It can happen in person, over the phone, or online and can occur as a single one-off incident, or be part of an ongoing pattern.

It is important to note that the intention of the harassing person is of no consequence and does not matter. Sexual harassment is not sexual interaction, friendship, flirtation or attraction that is mutual, consensual or reciprocated.

# 3. Sex-based harassment

Harassment on the ground of sex refers to behaviour that is not necessarily sexual, but involves demeaning, degrading and unwelcome treatment of a person, because of their sex or characteristics generally associated with their sex, in circumstances in which a reasonable person, aware of those circumstances, would anticipate that the person being harassed might feel offended, humiliated or intimidated. Examples include:

- asking personal and intrusive questions based on a person's sex (for example inappropriate questions about menstruation, menopause or a person's genitalia);
- making inappropriate jokes or comments based on a person's sex.

# 4. Conduct that creates a hostile workplace environment on the ground of sex

Workplaces may be hostile, offensive, intimidating or humiliating on the grounds of sex even if actions or behaviour has not been specifically directed at an individual. Hostile workplace cultures foster sexist and/or exclusive workplace environments that make it difficult to call out relevant unlawful behaviour when it occurs and encourage the incidence of sexual harassment and discrimination. For example:

- using obscene language in the workplace;

- the display of sexist, sexual, obscene or pornographic imagery, including pictures, photographs, posters, calendars or gifts, and/or;
- the circulation of emails, text messages, or online interactions including social media containing any of the above.

It is important to note that a complaint does not need to have been made, in order for a workplace to be determined to be hostile on the ground of sex.

## 5. Victimisation

Victimisation involves taking action or threatening retaliatory action, against someone because they have asserted, or intend to assert, their rights under the law, or because they took action in support of a complaint. People are often victimised after they have spoken up, or reported unlawful conduct. Examples of victimisation include:

- denying someone a promotion because they have made (or intend to make) a complaint;
- moving a worker who has made a complaint to a different location or worksite without their approval;
- demoting someone who has acted as a witness or supported someone else in making a complaint.

## When and where can relevant unlawful conduct occur?

Relevant unlawful conduct can occur in a wide range of contexts and is not limited to the workplace or within working hours of either the person engaging in the relevant unlawful behaviour, or the person experiencing it. It may occur at a physical workplace or off-site, during work related travel, at a work-related event, at a client's home, between work colleagues on the weekend, via text message or online.

Importantly, employers must recognise that people do not necessarily have to work together for conduct to be unlawful under the legislation as other work related relationships or interactions are also covered by the positive duty. For example, it is considered unlawful for a worker to sexually harass a customer, client or patient, or for a client, patient, or customer to harass someone while they are working.

## Compliance: NT WorkSafe recommends a risk management approach

Sexual harassment is a workplace hazard that is preventable. As with all WHS hazards a risk management approach is recommended. The four-step risk management approach consists of the following steps:

1. Identify workplace sexual harassment risks;
2. Assess risks;
3. Control risks;
4. Review control measures.

Further information regarding risk management for psychosocial hazards can be found in the Codes of Practice ('Managing Psychosocial Hazards at Work and 'Sexual and Gender-based Harassment') available on the NT WorkSafe website.

When undertaking risk management, the following steps and considerations may be considered as a guide, however there are no limits to how comprehensive or creative businesses and organisations can be when

approaching risk management. Each workplace and industry is unique and risk management should be tailored to the individual workplace, workforce, industry and tasks carried out. Risk management steps may include (but are not limited to) the following examples and suggestions:

## 1. Identify hazards:

- Consulting with your workers. Ask your workers what they need and consider that they have hands on experience and insight regarding the workplace.
- Observing the work being carried out and considering how and when tasks are carried out.
- Observing the behaviour of workers.
- Collecting and reviewing data.
- Assess the physical work environment. Look for areas that may be isolated from the main workplace, visually out of sight or unsupervised, areas that may be dimly lit and/or areas that require workers to be in close physical proximity with each other. Carefully consider where and how sexual harassment might be likely to occur in the workplace.
- Inspect and consider if bathrooms, change rooms, shower facilities and accommodations are appropriate and safe.
- Consider the workforce structure and gender balance of your workers.

## 2. Assess risks:

- Assess the duration of risk: how long are workers exposed to the risk?
- Assess the frequency of risk: how often are workers exposed to the risk?
- Assess the severity of risk: if the risk was to occur, how severe might the impact be?
- Be aware of the intersectional nature of harassment and discrimination which makes certain groups of people and/or individuals at heightened risk.
- Assess how risks interact with other hazards and risks including psychosocial risks such as bullying, high job demands, violence and aggression in the workplace, poor organisational justice, and/or remote work.

## 3. Control risks:

- After carefully identifying hazards and assessing risks you should prioritise those risks which have the most potential to cause harm to workers and others in the workplace.
- Consider a range of control measures before selecting the most effective and reliable control measures.
- Select control measures that are tailored to the size, location, specific work activities and workforce.
- Aim to eliminate risk wherever possible. If elimination of risk is not practicable you must minimise risk as far as is reasonably practicable. Continue reading of this guide for further guidance on the meaning of 'reasonably practicable'.
- Once you have implemented your control measures ensure they are maintained. Provide education, training and supervision to ensure maintenance.

## 4. Monitor and Review:

- Maintain your control measures long enough to observe whether or not they are appropriate and working as intended.



- Assess if newly introduced control measures create any new or additional hazards or risks, particularly after further changes are introduced or a new hazard or risk is identified.
- Use reports, data and observations to inform and improve existing controls.
- Ensure instruction and training continues to be provided to all workers.
- Continuously monitor and review control measures and maintain consultation with your staff, ensuring they are actively involved in the risk management process.



## Meaningful action and reasonable and proportionate measures

Under the NT Anti-Discrimination Act (1992) a legal obligation called the **Positive Duty** now exists to take **'reasonable and proportionate measures'** to eliminate certain unlawful conduct as far as possible in the context of work, workplaces and working relationships and appropriately address this type of behaviour when it occurs.

As a general guide All PCBU's should as a minimum, undertake the following measures

- Be aware of their expanded WHS obligations and understand the new positive duty laws.
- Do everything reasonably practicable to eliminate physical and psychosocial risks in the workplace.
- Consider the size and sophistication of their individual business to determine what is "reasonable and proportionate".
- Consult with workers where hazards and risks have been identified and consider alternative and/or safer systems of work.
- Evaluate current controls, make adjustments and continue to monitor.
- Ensure your workers know how to make a complaint, and have options for making complaints, including an anonymous complaint mechanism.
- Identify what accommodations will be offered to targets, including what supports are available to them.
- Implement a stand-alone Anti Sexual Harassment policy, in addition to an Anti-Discrimination and Bullying Policy and ensure these are enforced.
- Ensure there are appropriate channels for raising concerns.
- All workers should receive education and training in relation to sexual harassment and discrimination and as a minimum leaders and managers should attend specific sexual harassment and discrimination training.
- Records and documentation of the aforementioned steps should be retained.

When considering what measures to take, and to what extent, PCBU's should carefully consider the size and nature of their business and the funds and resources available to them. The following table offers a practical guide:

Small Business	Approximately two to 20 employees	<ul style="list-style-type: none"> <li>• Assess risk</li> <li>• Implement policies</li> <li>• Communicate the policy to all staff regularly</li> </ul>
Medium Business	Around 50 - 100 employees	<ul style="list-style-type: none"> <li>• Create policies to address specific areas of risk based on the individual workplace and industry</li> <li>• Provide leaders and managers with specialised training</li> <li>• Allocate representatives with the responsibility of managing and addressing behaviour</li> </ul>
Large Business	Over 100 Employees	<ul style="list-style-type: none"> <li>• A broad and detailed action plan</li> <li>• Specific policies</li> <li>• Mandatory training for all employees</li> <li>• Data collection on complaints</li> <li>• Support provided – EAP</li> </ul>

Factors that will be taken into account when determining whether the measures the duty-holder has introduced and implemented are reasonable and proportionate include:

- the size of the duty-holder's business;
- the nature and circumstances of the duty-holder's business;
- the duty-holder's resources;
- the duty-holders business and operational priorities;
- the practicality and cost of the measure.

## The meaning of Reasonably Practicable

A comprehensive guideline published by Safe Work Australia is available for download: [Interpretive Guideline: Model Work Health and Safety Act, The meaning of Reasonably Practicable.](#)

'Reasonably practicable' is defined as that which is, or was at a particular time, reasonably able to be done to ensure health and safety, taking into account and weighing up all relevant matters including:

- (a) the likelihood of the hazard or risk occurring;
- (b) the degree of harm that might result from the hazard or the risk;
- (c) what the person concerned knows, or ought to reasonably know, about the hazard or the risk;
- (d) the availability and suitability of ways to eliminate or minimise the risk; and,
- (e) after assessing the extent of the risk and the available ways of eliminating or minimising the risk, including whether the cost is grossly disproportionate to the risk.

A duty holder must first consider **what can be done** – that is what is possible in the circumstances for ensuring health and safety. They must then consider what is **reasonable in the circumstances** to do all that is possible. This means that what can be done, should be done unless it is reasonable in the circumstances to do something less. This approach is consistent with the objects of the WHS Act which include the aim of ensuring that workers and others are provided with the highest level of protection that is reasonably practicable (Safe Work Australia).

Please refer to the guideline linked at the top of this section for further information on how to interpret what is reasonably practicable.

### **Use the 'Hierarchy of Controls' to control risks (WHS Regulations 36).**

To meet your duties to ensure health and safety, you must manage psychological risks in accordance with the hierarchy of controls in Part 3.1 of the WHS Regulations, to eliminate or minimise psychosocial risks so far as is reasonably practicable.

The hierarchy of controls ranks control measures from the highest level of protection and reliability to the lowest. You must always aim to eliminate the risk, which is the most effective control. If this is not reasonably practicable, you must minimise the risk by working through the other alternatives in the hierarchy. A combination of control measures may be used to address the hazard.

A detailed explanation of the Hierarchy of Control Measures, features on page 21 of the Code of Practice 'Managing Psychosocial Hazards at Work' available on the NT Worksafe website.

## **What should a sexual harassment prevention and response plan include?**

Employers and organisations (PCBU's) should carefully assess what steps they will take to prevent and address sexual harassment in the workplace and create a tailored prevention and response plan.

The plan should consider prevention and response measures the workplace will adopt. Considerations should take into account (but are not limited to) the following suggestions:

- The existing design and systems of work, the existing policies and procedures in place, and how these will be evaluated and revised.
- Existing data and information pertaining to the hazards and risks in the workplace and the industry, and what immediate, short-term, medium-term and long-term measures will be taken to address these risks.
- How sexual harassment prevention will be expressly incorporated into WHS frameworks and plans.
- How hazards and risks will be continuously monitored.
- The steps necessary to educate workers in understanding the plan and any associated documents.
- Steps taken to ensure workers are aware and understand their rights and obligations, including in regard to sexual harassment.
- How complaints will be handled, including how they will be received, addressed and the steps taken to encourage reporting
- Who is responsible for implementing the plan, when the plan is to be implemented by, and when it is to be reviewed, including following a complaint.
- How workers will be engaged to provide insights and feedback.



# How a prevention and response plan should be communicated to workers

An employer must ensure they create a sexual harassment prevention and response plan, that is easily accessible to all workers and all workers know where to access it. It is not enough for the plan to be simply shared and promoted once only.

Ideally, the plan should be able to be accessed from remote locations (i.e. online) and at any time, for example when a worker is on leave. Once the plan has been created and finalised, it should be actively promoted and communicated to all workers on a regular and ongoing basis and at a number of junctures, including:

- during initial recruitment and induction processes;
- via a number of training methods, including online training, in-person training, and scheduled refresher training;
- promotion of the plan via regular management and team discussions and check ins;
- promotion of the plan via visual cues on noticeboards, online communication such as bulletins and the intranet, and printed communications such as printed copies supplied to every employee, hand-outs and posters placed in prominent positions in the workplace.

## Responding to complaints

Inquiries into workplace sexual harassment show most workers don't report sexual harassment because they are concerned it would not be managed appropriately and they might face negative consequences, including retaliation and victimisation. Employers should therefore offer a range of reporting methods, including formal, informal and anonymous reporting and ensure persons who receive complaints are trained in appropriate responses.

Following a report employers should consider the following steps:

- Respond in a person-centred and trauma-informed way, displaying respect and sensitivity towards the complainant. Apply a victim-centred approach to find out what outcome they are seeking and what steps they want you to take.
- Remain impartial, don't take sides.
- Act promptly – listen to what the complaint is telling you and determine what immediate action is necessary (i.e. offering leave if consented to, changes to working hours or work environment, separating workers). Sometimes a lower-level response may be preferred, such as an apology and a commitment to attend further training.
- Document the process and maintain privacy and confidentiality.
- Outline the reporting process to all parties and provide options for support and representation to both parties.
- Implement systems to prevent retaliation and/or victimisation.
- Decide if the matter should be formally investigated with consideration of the seriousness of the allegation, the wishes of the complainant, the health, safety, and wellbeing of all parties, what outcome is being sought and any legal obligations.
- Make adjustments in the workplaces as necessary while the investigation is carried out.
- Ensure a suitably trained and qualified person carries out the investigation.
- Apply a 'civil standard of proof' by utilising 'the balance of probabilities' approach.

- If it has been determined that more likely than not the conduct has occurred, take action to resolve the matter. Consider what actions you can take to hold the respondent to account for their conduct while minimising negative impacts on the complainant and other workers. Actions might include:
  - changes to shifts, working hours, locations
  - changes to work environments
  - an apology to the target of the behaviour
  - an agreement regarding expected standards of conduct moving forward
  - refreshed sexual harassment training for all staff
  - personalised coaching or performance management for the respondent
  - disciplinary action might include a formal warning, suspension, demotion or dismissal.
- Remember, a lack of reports doesn't necessarily mean harassment isn't occurring. Encourage people to speak up.
- Use complaints as an opportunity to debrief, reflect and improve prevention measures and systems
- Reflect on, and assess how the complaint was handled and managed, how could the process be improved?

## What should a sexual harassment policy include?

Employers must develop, promote and implement a sexual harassment prevention policy that has been tailored to the workplace. Policies must set out the expectation there is nil tolerance in the workplace for sexual harassment.

A policy should outline what unlawful conduct is, the consequences of the behaviour, and what to do if an employee witnesses or is the target of workplace sexual harassment. Importantly, policies must be enacted consistently in the workplace, throughout all procedures and operations.

A sexual harassment policy should be easily accessible to all workers at all times and should be tailored specifically to those workers who are more vulnerable, including younger or junior workers, workers who are new to the workplace, migrant or CALD (Culturally and Linguistically Diverse) workers, LGBTIQ workers or people with a disability.

**As a minimum, a sexual harassment policy should include the following:**

- a statement that sexual harassment is unacceptable;
- a statement confirming that under WHS laws and the positive duty, the employer has a legal obligation to eliminate sexual harassment, discrimination and victimisation;
- a legal definition of sexual harassment from the NT Anti-Discrimination Act (1992);
- the employer's commitment to providing workers with a safe and respectful workplace and environment, and the standard of behaviour which all workers, and others including agents, customers, the public etc. are expected to comply with;
- examples of sexual harassment, including 'lesser known' sexual harassment classifications such as via technology, discrimination, sex-based harassment and conduct that subjects a person to a hostile work environment on the ground of sex, and victimisation;
- what procedure will be followed if sexual harassment is alleged to have occurred, how it will be investigated, possible outcomes and consequences;
- how to report sexual harassment via a number of options (formal and informal processes) and including an anonymous option;
- what supports will be offered to person's who have been targets of sexual harassment or who have witnessed sexual harassment;
- what bystanders should do if witnessing or aware of sexual harassment;

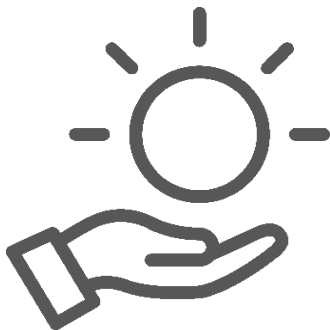
- how bystanders can intervene (if safe to do so) and the role bystanders play in helping to eliminate sexual harassment;
- a clear statement that the safety and wellbeing of the person who has reported the harassment is the employer's priority;
- information about where to access external support, information and avenues of redress for sexual harassment – (see resources at end page of this document);
- information regarding the option for victims/survivors of sexual assault to make a report to police;
- a statement that the policy will be reviewed on a regular basis; and
- how workers may provide input or feedback regarding the policy.

## Build a positive workplace culture

Your workplace culture is a set of shared beliefs, attitudes and core values that guide your organisation. A positive workplace culture creates a pleasant and enjoyable workplace, with beneficial outcomes for individuals, teams and customers.

Building a positive workplace culture starts with good leadership. Leaders set the standard for acceptable behaviour, should acknowledge and reinforce positive workplace behaviours, and set clear and intentional expectations for employees, including how they interact with each-other, clients, customers (and others). Aim to cultivate a workplace culture that not only promptly addresses instances of harassment or discrimination but also empowers your workers and teams to speak up and prevent such behaviour.

Leading organisations know that a diverse employee-base will bring a vibrant, innovative and competitive perspective to the workplace. Strive for equal gender participation and diversity by looking for individuals who can contribute a wide range of knowledge, experience, skills and creativity to the team. Promote equality, inclusion and diversity by making the workplace a welcoming place for people of all genders and all backgrounds.



Benefits of a safe and respectful workplace culture include:

- enabling people to be their best;
- supporting wellbeing;
- improved staff retention;
- Improved job performance and productivity;
- overall team success; and
- a good reputation attracting customers, investors and the best people to your business.

# Enforcement

As previously stated, since January 6<sup>th</sup> 2025, workplaces may be prosecuted for failing to provide a workplace that is free of harm, under two separate Acts: the WHS Act (2011) and the Anti-Discrimination Act (1992). The two Acts operate concurrently (at the same time), and the positive duty and psychosocial health amendments in both Acts have been designed to inform, complement and mutually reinforce each other.

## NT WorkSafe

The role of NT Worksafe is to confirm if a workplace has appropriate policies, procedures and control measures in place to effectively prevent and/or minimise any risks to physical or psychological health of workers (and others). NT Worksafe may respond to safety concerns in relation to workplace sexual harassment by:



- Providing information and guidance to employers and/or workers.
- Making enquiries to determine if the employer has met its obligations under WHS laws.
- Visiting a workplace to check if a breach has occurred and ensure reasonable steps are being taken to prevent harm.
- Review policies, practices and processes.
- Interviewing staff.
- Taking photos and/or recordings.
- Directing workers around making a complaint to the NT Anti-Discrimination Commission, the Fair Work Commission or other services.
- Under section 155 and 171 of the Work, Health and Safety Act (2011) NT WorkSafe can obtain information, and/or require production of documents and answers to questions.
- Inspecting workplaces and enforcing WHS laws.

If a workplace is not meeting its obligations to protect workers (and others) from harm, NT WorkSafe may:

- Issue an improvement notice;
- Issue a prohibition notice; or
- If a serious breach has occurred NT WorkSafe may investigate and prosecute.

## NT Anti-Discrimination Commission

The Northern Territory Anti-Discrimination Commission promotes equal opportunity for all Territorians. Established in 1993, the commission aims to eliminate discrimination by raising awareness about rights and responsibilities under the Northern Territory Anti-Discrimination Act (1992).

The Commission has three main roles:

### 1. Public education and training

Providing public education and training through a set program as well as tailored training to organisations and individuals.

## 2. Handling complaints

Providing information about rights and responsibilities under anti-discrimination law, accepting, evaluating and resolving complaints of discrimination.

## 3. Community engagement

Attendance of public forums, meetings and organisations to hear and share information about rights and responsibilities under the Act.

The Commission has been granted new rights under the positive duty legislation. Commencing on 6<sup>th</sup> January 2025 the commission will have the power to:

- Conduct inquiries into compliance with the positive duty.
- Issue and enforce compliance notices.
- Apply to courts for an order to direct compliance with a compliance notice.
- Force employers to enter into enforceable undertakings specifying actions the employer must take or avoid.

The NT Anti-discrimination Commission have provided five minimum standards to inform and guide businesses and organisations in preventing and responding to workplace sexual harassment and discrimination to a standard suitable for positive duty standards (see below). The standards should be used to measure against and build on your current workplace policies and practices.

For more information contact the NT Anti-Discrimination Commission on 1800 813 846 or visit the website [www.adc.nt.gov.au](http://www.adc.nt.gov.au)

<b>NT Anti-Discrimination Commission: Five Minimum Standards to meet positive duty requirements</b>
<b>Standard 1. Intentional Leadership</b> Leaders develop and display strong leadership that actively guides positive duty culture to stamp out discrimination, sexual harassment and victimisation.
<b>Standard 2. Knowledge and Networks</b> Organisations develop knowledge and engage with networks to build awareness and habits that drive positive duty culture and improve organisational capabilities.
<b>Standard 3. Reporting and Response</b> Organisations implement systems and policies to support bystanders and victim-survivors in a person-centred and trauma informed way.
<b>Standard 4. Risk management</b> Organisations build a culture of safety and address risk with an effective risk management and prevention plan.
<b>Standard 5. Continuous Improvement and Transparency</b> Organisations review, evaluate and communicate outcomes and strategies.



# Information and resources for employers and PCBU's

## NT WorkSafe

Code of Practice: [Sexual and gender based harassment](#)

Code of Practice: [Managing psychosocial hazards at work](#)

Positive Duty: [Brief Guide and checklist](#)

## Safe Work Australia

Sexual and gender-based harassment – [Resources](#)

Workplace sexual harassment – [advice for workers](#)

Preventing workplace sexual harassment – [guidance for small business](#)

Sexual Harassment – [Your work, health and safety duties](#)

## NT – Anti-Discrimination Commission

Positive duty: [Resources](#)

## Australian Human Rights Commission

Report: [Respect@Work National Inquiry into Sexual Harassment in Australian workplaces](#)

Guide: [Respect@Work National Inquiry into Sexual Harassment in Australian Workplaces Community Guide](#)

Resources: [Positive Duty](#)

## Respect at Work

Resource: [Immediate Response Plan – sexual harassment - Example](#)

Factsheet: [Factsheet – What is sexual harassment](#)

## Comcare

Workplace sexual harassment- [Resources](#)

Workplace sexual harassment- [Guidance for employers](#)

Workplace sexual harassment – [Practical guidance for managers and supervisors](#)

## Our Watch

Resources for primary prevention of violence against women: [Factsheets, videos, resources](#)