

Respect at Work

In August 2023, the Australian Human Rights Commission (AHRC) released new guidelines for all Australian workplaces.

In summary, it requires organisations to take a proactive approach to preventing workplace sexual harassment and discrimination rather than merely reacting to incidents. This is achieved through the introduction of a **positive duty** including 7 standards that businesses must satisfy.

Why is the positive duty necessary?

The positive duty recognises the moral, legal and business imperatives of having a safe, respectful, diverse and inclusive culture at work. Safe and respectful workplaces that advance gender equality are good for business, good for the people who work in and visit them, and good for the Australian community.

What is the positive duty in the Sex Discrimination Act (the Act)?

There are 7 standards that organisations must satisfy to comply with the guidelines that require “reasonable and proportionate” measures to eliminate unlawful conduct.

These measures include:

- discrimination on the basis of sex
- workplace sexual harassment
- sex-based harassment in connection with work
- conduct creating a workplace environment that is hostile on the ground of sex
- related acts of victimisation

What are the 7 standards that must be complied with?

1. Leadership
2. Culture
3. Knowledge
4. Risk management
5. Support
6. Reporting and response
7. Monitoring, evaluation and transparency

Who does the positive duty apply to?

All organisations that employ one or more people must satisfy the positive duty. However, what is required in practice will vary depending on the size and resources of the organisation, as well as the practicality and associated costs.

Further information on what is required under each standard can be found in the resources below.

When does this come into effect?

From **December 12, 2023**, the Commission will have the authority to enforce compliance with the positive duty in the Sex Discrimination Act.



What are the consequences of non-compliance with the positive duty in the Act?

The Act states that employers can be held accountable for any unlawful actions by their employees related to their work duties. This principle, termed 'vicarious liability', establishes that if one employee behaves unlawfully towards another, the employer might be held legally responsible and face financial penalties.

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Further Information

If you have any questions on the Respect at Work Bill or require further information on how to comply with the positive duty under the Sex Discrimination Act 1984, visit the [Respect@Work](#) website.

A helpful guide with a summary of the positive duty and examples of how to comply has been developed by the Australian Human Rights Commission. Click [here](#) for the guide.



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