



Australian  
Human Rights  
Commission

# Guide about the positive duty



Easy Read

[humanrights.gov.au/positive-duty](https://humanrights.gov.au/positive-duty)

# About this guide

## Sex Discrimination Act



In 1984 the Australian Government made a law called the **Sex Discrimination Act**.



This law says it is not ok to treat someone in a bad way because of their **sex**.



Your **sex** means if you are a man or woman or other.

## Positive duty



In 2022 the Australian Government added a new law to the Sex Discrimination Act.

It is called the **positive duty**.



**Positive duty** means workplaces need to make sure all staff feel safe and respected.



This guide talks about the positive duty of workplaces and what they should do.

# Bad behaviours at work



The positive duty is meant to stop **bad behaviours** at work.

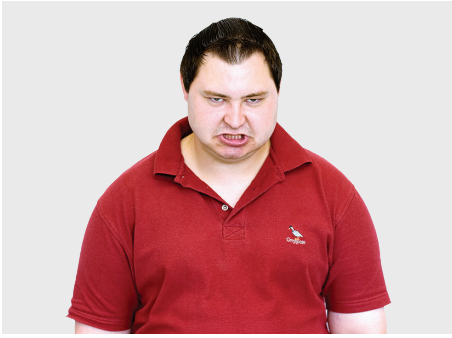


**Bad behaviours** are things other people do that make you feel bad or unsafe.



The positive duty stops different bad behaviours at work like

- **Sexual harassment**
- **Sex discrimination**
- **Sex based harassment**
- **Hostile work environment**
- **Victimisation.**



When we say bad behaviours in this guide we mean those things.



**Sexual harassment** is when someone does or says something sexual to you that you do not want.



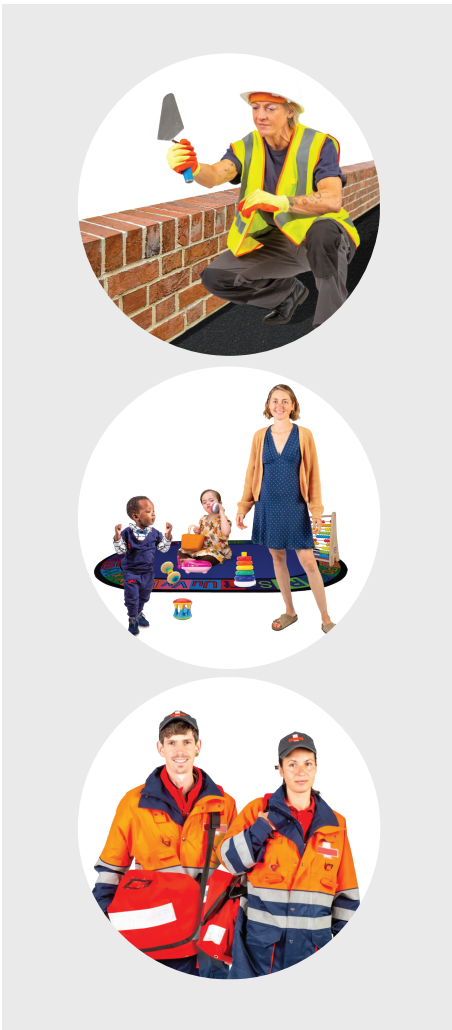
This might be when someone

- Touches you
- Stares at you
- Keeps asking you on a date
- Makes sexual jokes.



**Sex discrimination** is when you are treated in a bad way because of your sex.

This might be if people at your work



- Think that you can not do some work because of your sex
- Think that some people should do a job just because of their sex
- Do not want to work with you because of your sex.

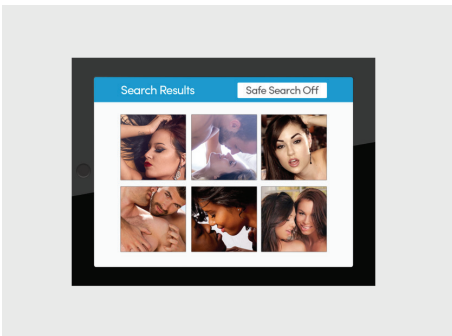


**Sex based harassment** is when someone does or says mean things to you because of your sex.

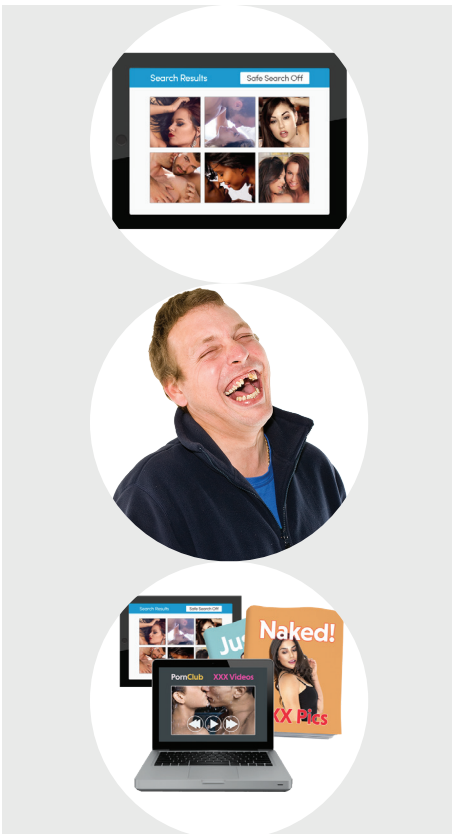


It could be things like

- Jokes like women can not drive
- Questions or words about your body that make you feel not ok.



**Hostile work environment** means something at your workplace makes you feel not ok because of your sex.



It could be that other people do things that upset you like

- Show each other rude pictures
- Tell each other rude jokes
- Have sexual or rude pictures that everyone can see.



**Victimisation** is when someone treats you in a bad way after something bad happened.



This might be because

- You spoke up about something
- You helped someone speak up
- They think that you spoke up about something.



Everyone should feel safe to speak up about bad things when they happen.





Your workplace should make sure no one treats you in a bad way if you speak up.



Victimisation can be from the person who did something bad or from their friends or family.



Victimisation can be that

- You get fired from your job
- You get less hours at work
- People tell you not to speak up or something bad will happen.



Bad behaviours are still not ok if they only happened 1 time.

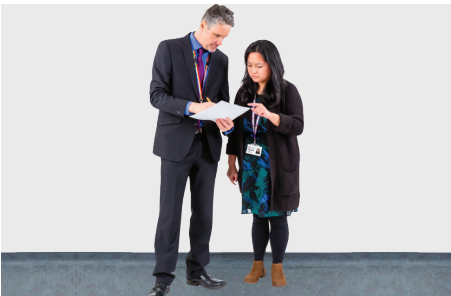


They are also not ok even if the other person did not mean it in a bad way.

# About the positive duty



Positive duty is about workplaces doing their best to stop bad behaviours before they happen.



Workplaces should also deal with bad behaviours in the best way if they do happen.



Positive duty means workplaces should find ways to make sure all staff

- Feel safe
- Are treated with respect.



When people feel safe at work they do better and more work.



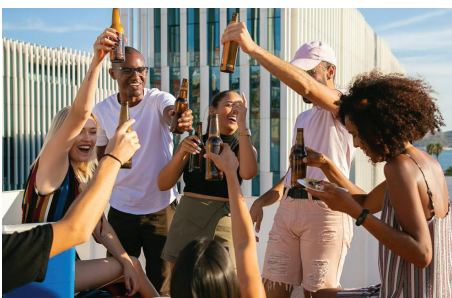
Positive duty is something all workplaces must do.



It does not matter if they are big or small workplaces.



Workplaces also have to stop bad behaviours outside the workplace.



This might be

- At work events
- By another worker at a party
- When their boss drives them home.



Workplaces need to also keep their staff safe from bad behaviours from clients and customers.

# Who the positive duty helps



The positive duty helps all staff at a workplace.



It also helps clients and customers of the workplace.



Bad behaviours can happen to anyone at any workplace.



But some people are more likely to have bad behaviours happen to them.

This might be



- Women



- LGBTIQA people



- People with disability



- People from different cultures



- Aboriginal and Torres Strait Islander people.



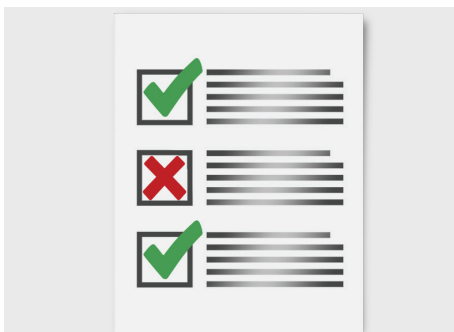
Workplaces should think about who bad behaviours could happen to most.

# 7 standards



There are 7 things that workplaces should do to help with their positive duty.

They are called **standards**.

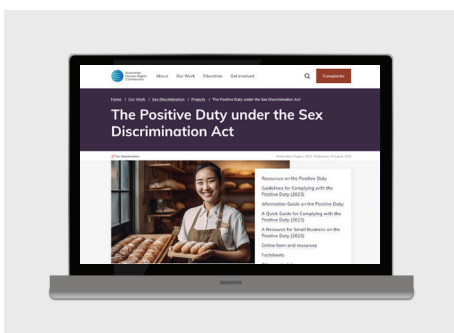


Every workplace should do all of the standards.

They might do them in different ways.



We have a fact sheet with information that can help workplaces do the standards.



To read the fact sheet go to

**[humanrights.gov.au/positive-duty](https://humanrights.gov.au/positive-duty)**

## Standard 1. Bosses and managers



Bosses and managers need to understand the positive duty.



Bosses and managers need to make sure all staff know what is ok and not ok at the workplace.



Bosses and managers should also know about any bad behaviours that happen in their workplace.

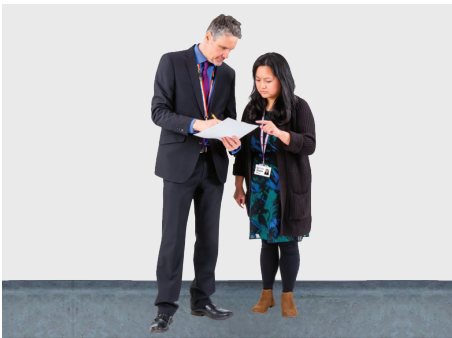


It is their job to make sure there are ways to stop and deal with bad behaviours.





They should tell all the staff about these ways.



Bosses and managers need to check these ways are working.

## Standard 2. Culture



Good **culture** at a workplace means you feel good and safe to work there.



Workplaces should make sure

- All staff feel safe and welcome
- Everyone is treated the same way.



Staff and clients should treat each other with respect.



If the culture at a workplace is good it helps people speak up if something is not ok.



It also means bad behaviours do not happen as much.



People will also feel ok to tell others when they do something that is not ok.

## Standard 3. Rules and training



Workplaces should have a **policy** about what is ok and not ok to do at work.



**Policy** means rules for all staff at a workplace.



Workplaces need to make sure everyone knows about the policy.

Workplaces should have training for all staff about



- How to treat other people at work



- What is not ok to do at work and what happens if you do it



- Rights at work



- What to do if something bad happens to you or others at work.



This training should happen often and for all new staff.

## Standard 4. Dealing with risk



**Risk** means that something bad might happen.



Workplaces should check what risks there are of people doing bad behaviours.



They need to have a plan for what they will do if they find a risk.



They need to check if their plans work or need to be changed.

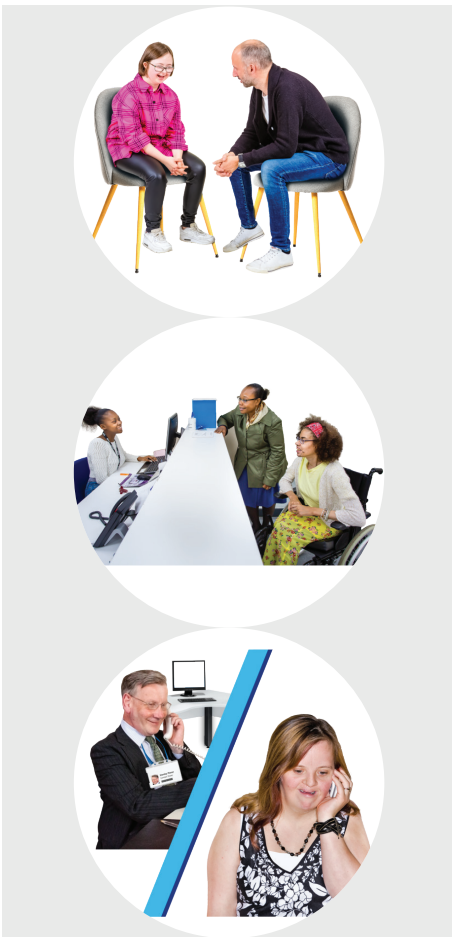
## Standard 5. Support



Workplaces should have the right support for staff that had bad things happen to them.



There also needs to be support for people that saw something bad happen at work.



Support can be

- Talking to the person about what would help them
- Making changes to the workplace to help the person feel safe
- Calling a support service.



All staff need to know about the supports they can get.



All staff should be able to use the supports even if they did not talk about what happened.



Supports need to be given in a way that make all staff feel safe.



Workplaces should think about all their staff and what they need.

## Standard 6. Reports



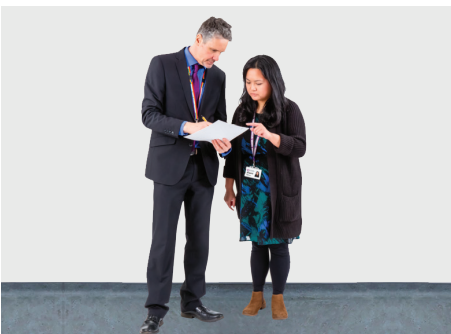
Workplaces should make sure that there are different ways for people to **report** bad behaviours.



**Report** means that you tell someone what happened.

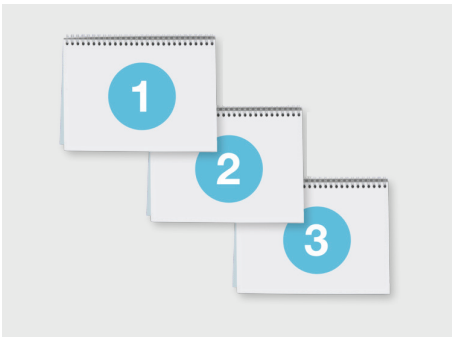


All staff should know how they can report bad behaviours.

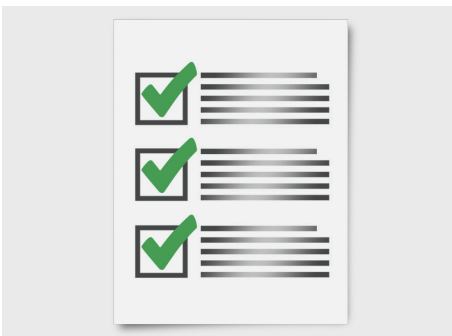


Staff also need to know that workplaces will look into all reports.





Workplaces should also make sure everyone knows what the next steps are after the report.



The next steps after the report should

- Always be the same
- Not take too long.



Workplaces need to make sure they take care not to hurt the person more.



They should also make sure you are not treated in a bad way if you report bad behaviours.

## Standard 7. Making sure that things work



Workplaces should keep information so they know

- Why bad behaviours happen
- How often they happen.



They should use this information to make the workplace safer and better.



Workplaces should tell their staff how they deal with bad behaviours.

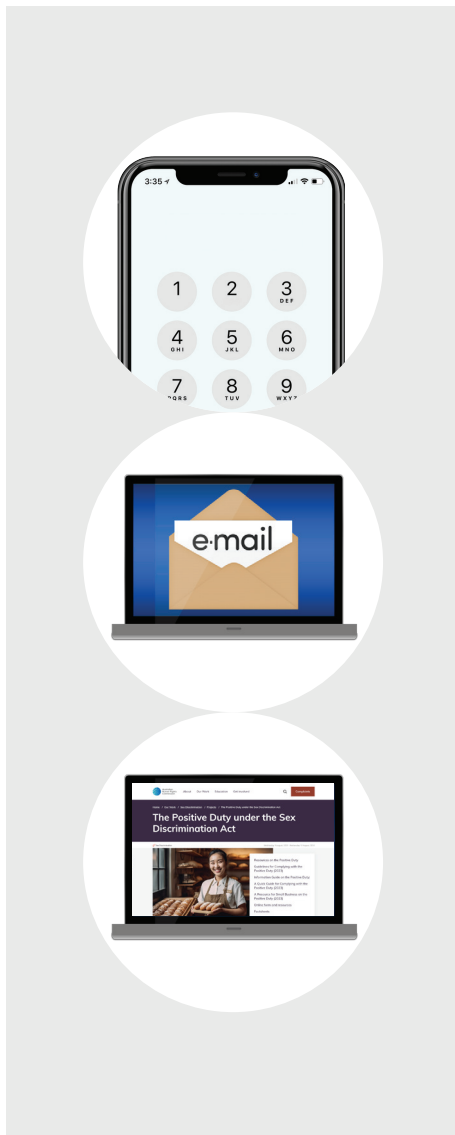


Workplaces need to keep checking that what they do is working.

## More information



You can contact the Australian Human Rights Commission for more information.



You can

- Call us on 1300 656 419 and choose option 1
- Send an email to [respect@humanrights.gov.au](mailto:respect@humanrights.gov.au)
- Go to our website [humanrights.gov.au/positive-duty](https://humanrights.gov.au/positive-duty)



For information in your language call the **Translating and Interpreting Service.**

Their number is 131 450.



If you are deaf or have trouble hearing you can contact

- National Relay Service on 1300 555 727



- TTY on 1800 620 241.

# Information for bosses and managers

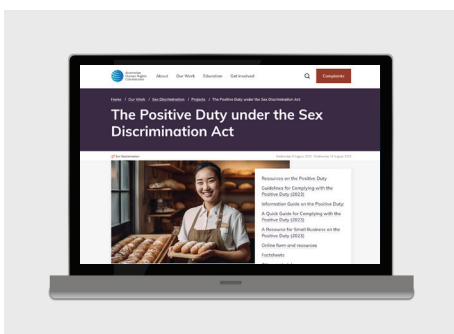


This info guide tells you

- About the positive duty
- What the positive duty means for your workplace.



It does not talk about all the things a workplace needs to do to meet positive duty.



For more information you can go to [humanrights.gov.au/positive-duty](https://humanrights.gov.au/positive-duty)

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