

Workplace Equality & Respect and Positive Duty Standards



**Our
Watch**

Preventing violence
against women

Workplace Equality & Respect and Positive Duty Standards

The *Respect@Work: National Inquiry into Sexual Harassment in Australian Workplaces* report recommends changes to legislation to improve the prevention of and response to sexual harassment in workplaces.

The *Anti-Discrimination and Human Rights Legislation Amendment (Respect at Work) Bill 2022 (Cth)* amends the *Sex Discrimination Act 1984* to:

- prohibit conduct that subjects another person to a workplace environment that is hostile on the grounds of sex;
- **introduce a positive duty on employers to take reasonable and proportionate measures to eliminate unlawful sex discrimination, including sexual harassment, as far as possible;**
- state that an object of the Act is to achieve substantive equality between men and women;
- and amend the definition of harassment on the grounds of sex to remove the reference to conduct of a 'seriously' demeaning nature.

The *Anti-Discrimination and Human Rights Legislation Amendment (Respect at Work) Bill 2022 (Cth)* amends the *Australian Human Rights Commission Act 1986* to:

- enable the Australian Human Rights Commission (AHRC) to monitor and assess compliance with the positive duty;
- provide the AHRC with a function to inquire into systemic unlawful discrimination;
- enable a representative body to progress a complaint on behalf of one or more affected persons from conciliation at the AHRC to application to the court;
- insert a cost protection provision
- and amend one of the discretionary grounds on which a complaint may be terminated by the President of the AHRC.

The amendments intend to place an onus on employers to take active measures to address the drivers of sexual harassment and violence.

To support employers in meeting their positive duty obligations, the Australian Human Rights Commission's (AHRC) has released [Guidelines for Complying with the Positive Duty under the Sex Discrimination Act 1984 \(Cth\)](#).

Our Watch's Workplace Equality and Respect Standards align with the standards outlined in the AHRC guidelines. Hence, working to meet the Our Watch Workplace Equality and Respect Standards places organisations in a good position to meet their positive duty obligations.

The AHRC guiding principles of consultation, gender equality, intersectionality and being person-centered and trauma-informed are the foundation of the Workplace Equality and Respect Standards.

The AHRC Positive Duty Standards on *Knowledge, Monitoring, Evaluation and Transparency, and Reporting and Response* are threaded throughout Our Watch’s Workplace Equality and Respect Standards articulated as communications, accountability and reporting.

Finally, Our Watch’s Workplace Equality and Respect Standards do not explicitly mention *Risk Management*, as the AHRC Positive Duty Standards do. However, as a process risk management underpins all five Workplace Equality and Respect Standards especially *Conditions, Culture and Core Business*.

How Our Watch Workplace Equality & Respect Standards align with AHRC Positive Duty Standards



The Australian Human Rights Commission (AHRC) guiding principles for all standards

Consultation	Gender Equality	Intersectionality	Person-centred / Trauma-informed
--------------	-----------------	-------------------	----------------------------------

Mapping Our Watch Workplace Equality & Respect and AHRC Positive Duty Standards

Our Watch Workplace Equality & Respect Standard	AHRC Positive Duty Standard
<p>Standard 1. Commitment</p> <p>We demonstrate an ongoing commitment to workplace gender equality and preventing sexual harassment and other forms of gender-based violence.</p> <ul style="list-style-type: none"> • Leadership: Our leaders, including board members and senior executives, take responsibility for promoting gender equality and preventing sexual harassment and other forms of gender-based violence as a priority. • Policy and practice: We have a resourced strategy/plan to promote gender equality that includes the prevention of sexual harassment and other forms of gender-based violence. • Communications: We articulate our commitment to gender equality and expectations of workplace behaviour in all internal and external communications. • Accountability and reporting: Our senior leaders' key performance indicators (or equivalent performance assessment processes) recognise and reward efforts to promote gender equality and prevent sexual harassment and other forms of gender-based violence. 	<p>Standard 1. Leadership</p> <ul style="list-style-type: none"> • Senior leaders understand their obligations under the Sex Discrimination Act and have up-to-date knowledge about relevant unlawful conduct. • Senior leaders are responsible for ensuring that appropriate measures for preventing and responding to relevant unlawful conduct are developed, recorded in writing, communicated to workers and implemented. • Senior leaders regularly review the effectiveness of these measures and update workers. • Senior leaders are visible in their commitment to safe, respectful and inclusive workplaces that value diversity and gender equality. They set clear expectations and role model respectful behaviour.
<p>Standard 3. Culture</p> <p>We promote a workplace culture where all people feel safe, confident, and supported to actively challenge gender bias and discrimination, gender stereotypes and harmful gender norms without adverse consequences.</p> <ul style="list-style-type: none"> • Leadership: Our leaders role model inclusive leadership and respect in all interactions. • People support and engagement: Our people recognise and challenge harmful behaviours without fear of adverse consequences. • Communications: Our internal and external communications use inclusive language and images that proactively challenge stereotypes and harmful gender norms. • Accountability: We regularly listen to and act on feedback from our people about their experiences and perspectives on gender equality, sexual harassment, and other forms of gender-based violence. 	<p>Standard 2. Culture</p> <p>Organisations and businesses foster a culture that is safe, respectful and inclusive and values diversity and gender equality.</p> <p>This culture empowers workers (including leaders and managers) to report relevant unlawful conduct, minimises harm and holds people accountable for their actions.</p>
<p>Standard 4. Support</p> <p>We listen to, respect, and support people who experience sexual harassment and gender-based violence (including domestic and family violence) through policies and practices that consider the impact of trauma.</p> <p>Policy and practice:</p> <ul style="list-style-type: none"> • We have policies and procedures that support the safety and wellbeing of our people who have experienced sexual harassment and domestic and family violence. • We provide appropriate referral pathways to specialist support for our people experiencing domestic and family violence, sexual harassment, or other forms of gender-based violence. <p>People support and engagement:</p> <ul style="list-style-type: none"> • We regularly review policies and procedures related to gender-based discrimination, sexual harassment, and domestic and family violence based on feedback from our people. • We invest in building the awareness and confidence of our people in applying and following these policies and procedures. • Our managers and/or identified key contact employees are trained to respond promptly and appropriately to requests for support and disclosures from our people experiencing domestic and family violence and sexual harassment. <p>Communications:</p> <ul style="list-style-type: none"> • Our policies and procedures are always easily accessible to all staff – e.g., available on the internal website and shared in internal communications (intranet, newsletter, employee meetings, or emails). <p>Accountability and reporting:</p> <ul style="list-style-type: none"> • We regularly monitor and track complaints regarding sexual harassment and workplace gender-based violence and response times. 	<p>Standard 5. Support</p> <ul style="list-style-type: none"> • Senior leaders understand their obligations under the Sex Discrimination Act and have up-to-date knowledge about relevant unlawful conduct. • Senior leaders are responsible for ensuring that appropriate measures for preventing and responding to relevant unlawful conduct are developed, recorded in writing, communicated to workers and implemented. • Senior leaders regularly review the effectiveness of these measures and update workers. • Senior leaders are visible in their commitment to safe, respectful and inclusive workplaces that value diversity and gender equality. They set clear expectations and role model respectful behaviour.

Four of the AHRC Positive Duty Standards, *Knowledge, Risk Management, Reporting and Response, Monitoring, Evaluation and Transparency*, Our Watch sees as related to processes that support the achievement of standards related to *Commitment (Leadership), Culture, Support* and the two unique Our Watch Standards of *Conditions and Core Business*.

Our Watch Workplace Equality & Respect Standard

Standard 2. Conditions

We apply a gender lens to our workplace policies and practices to ensure they are fair and equitable.

- **Leadership:** Our leaders sponsor policies and procedures that support our commitment to gender equality and the prevention of sexual harassment and other forms of gender-based violence so employees of all genders feel safe and supported.
- **Policy and practice:** Our people management processes and practices (including recruitment, promotion, and remuneration) are transparent and seek to eliminate bias.
- **Accountability and reporting:** We benchmark, monitor, and promote key gender equality indicators in our organisation against clear goals/targets.

Standard 5. Core Business

We promote gender equality in our external engagement with customers, stakeholders, and the community.

- **Leadership:** Our leaders seek opportunities to positively influence gender equality in all our engagements with clients, customers, suppliers, and the communities with which we work.
- **Policy and practice:** We regularly review our service delivery and external corporate engagement to ensure they reflect our commitment to promoting gender equality and preventing sexual harassment and other forms of gender-based violence.
- **People support and engagement:** We actively support peers/partners to promote gender equality and prevent sexual harassment and other forms of gender-based violence by sharing the lessons we have learned from our efforts.
- **Communications:** Our stakeholder engagement activities, public statements and external communications reflect our commitment to promoting gender equality, rejecting sexism, and challenging attitudes that justify, minimise, trivialise, or excuse sexual harassment and other forms of gender-based violence.
- **Accountability and reporting:** We regularly and publicly report on our performance against gender equality indicators and our efforts to prevent sexual harassment and other forms of gender-based violence.

For more information:

Email us at equalityandrespect@ourwatch.org.au

or visit the **Our Watch website** workplace.ourwatch.org.au