

Positive Duty to Prevent Harassment, Discrimination and Unfair Treatment

- **Respect at Work:** The former Queensland Government passed new laws updating the Anti-Discrimination Act, introducing new and enhanced protected attributes.
- **Positive duty:** Organisations are legally expected to create safe and inclusive workplaces and services, rather than simply wait for a complaint to arise. *The positive duty is about prevention, stopping things before they happen.*
- **Implementation paused:** These important protections were set to commence July 2025 but are currently on hold by the LNP Government, with no new start date confirmed.

In 2024, the Queensland Parliament passed new laws updating Queensland's discrimination laws. These reforms aimed to better protect vulnerable Queenslanders from being treated unfairly or vilified because of certain personal traits.

These laws were due to start on 1 July 2025 but have been 'paused' by the LNP Government, so there is currently no guaranteed start date.

Equal Rights Equals Respect Campaign

Equal Rights Equals Respect is a campaign led by Queensland Unions and community organisations. Its goal is to raise awareness about these important reforms and to push the Government to commit to getting them started.



**Sign the
petition
today!**

What is a positive duty?

The Respect at Work Amendment Act updated Queensland's discrimination laws to include a positive duty, which means that persons conducting a business or undertaking – such as employers—must take **reasonable and proportionate steps to prevent all forms of discrimination and sexual harassment**. These changes have now been paused.

What does this change mean?

Queensland's discrimination laws have relied on individuals making a complaint to the Queensland Human Rights Commission or a tribunal after experiencing unfair treatment or harassment.

Employers were ultimately responsible and could be held liable if employees or contractors discriminated against or harassed someone.

The positive duty would have **flipped this approach**, placing the onus on organisations and duty holders to actively prevent discrimination and harassment **before it happens**.

Importantly, it would have shifted the burden from **vulnerable individuals** making complaints to employers taking proactive and preventative actions.

Examples of positive duty measures:

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| <ul style="list-style-type: none">• Clear policies and procedures emphasising the importance of respectful workplace behaviour• Staff induction and ongoing training on lawful and respectful conduct• Workplace surveys to measure staff knowledge of unlawful conduct, such | <ul style="list-style-type: none">as discrimination or sexual harassment, and to identify any incidents experienced within the organisation• Risk assessments and proactive measures to address areas where discrimination or harassment may occur• Accessible and straightforward complaint and reporting processes |
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Why it matters

- A similar positive duty already exists under Commonwealth law (2023) for employers to prevent sexual harassment and sex-based discrimination.
- Employers also have a positive duty under work health and safety law to ensure the physical and psychological health and safety of workers, as far as reasonably practicable.
- These changes would have meant Queensland had the strongest proactive protections against harassment and discrimination across the country.

