

ADCORP HOLDINGS LIMITED

POSITIVE DUTY TO PREVENT SEX BASED HARASSMENT (AUSTRALIA ONLY)


Process Area	People & Culture	Policy Owner:	Laura Ford
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This Policy is applicable to the Adcorp Holdings Australia, its affiliates and subsidiaries in Australia hereinafter referred to as "Adcorp."

Policy Summary:

The Positive Duty to Prevent Sex-Based Harassment Policy establishes Adcorp's proactive commitment to eliminating sex discrimination, sexual harassment, and hostile workplace environments in accordance with the Sex Discrimination Act 1984 (Cth). Moving beyond a reactive complaint-based model, the policy mandates "reasonable and proportionate measures" to prevent relevant unlawful conduct before it occurs, applying a zero-tolerance approach to all workers, including labor-hire and contractors. It outlines a person-centered and trauma-informed complaint procedure, emphasizes the importance of bystander intervention, and provides strict protections against victimisation. The policy operates alongside state-specific Work Health and Safety (WHS) obligations that treat sexual harassment as a psychosocial hazard, requiring documented prevention plans and risk controls. Sexual harassment is prohibited under three separate regimes, each with different remedies and complaint pathways: the Sex Discrimination Act 1984 (Cth) (positive duty obligation), the Fair Work Act 2009 (Cth) section 527D (direct prohibition), and state-based work health and safety laws (psychosocial hazard management). Breaches can result in compensation, penalties, and stop harassment orders through the Fair Work Commission, claims under the Sex Discrimination Act or state/territory anti-discrimination law, and WHS-based enforcement action. Employers may face vicarious liability under the Fair Work Act (section 527E) unless they can demonstrate all reasonable steps were taken to prevent the harassment.

Approved by:

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1. PURPOSE

As part of our corporate citizenship commitments, we respect human rights, employee dignity, and protect employees from modern slavery. We are dedicated to supporting vulnerable groups, including migrant workers, women, and children. This positive duty to prevent sex-based harassment policy is an extension of these commitments. Sexual harassment and sex-based harassment is unlawful and prohibited by both state and territory discrimination laws and the Sex Discrimination Act 1984 (Cth).

This Policy outlines Adcorp's commitment to:

- Create a safe workplace culture that is focused on equality and respect, which supports people to take bystander action and takes a zero-tolerance approach to sexual harassment, sex-based harassment, and behaviour that may result in a hostile workplace environment and victimisation.
- A work environment that is free from all forms of sexual harassment.
- The establishment of a safe and supportive complaints procedure.
- Ensuring any workers who make a complaint about sexual harassment, sex-based harassment or other unlawful conduct, or takes bystander action in response to inappropriate behaviour will be protected from victimisation.
- Understanding that sexual harassment is prohibited under the Sex Discrimination Act, Fair Work Act section 527D, and state WHS laws, and that Adcorp may face liability through multiple enforcement pathways.

It is the obligation and responsibility of everyone working at Adcorp to treat others with dignity, courtesy and respect and ensure that the workplace is free from sexual harassment, sex-based harassment, and behaviour that may result in a hostile workplace environment and victimisation.

A hostile workplace environment on the ground of sex exists where conduct, statements, materials or behaviours create an environment that is intimidating, offensive, humiliating or hostile to people because of their sex, even if the conduct is not directed at a particular individual. Examples such as:

- displaying pornography
- sexually explicit screensavers
- persistent sexual jokes
- derogatory comments about women or men
- normalising sexist conduct

Adcorp has a positive duty to eliminate the risk of discrimination on the ground of sex, sexual harassment, sex-based harassment, a hostile workplace environment and victimisation so far as is reasonably practicable. This policy is part of Adcorp strategy for preventing and eliminating all forms of harassment in the workplace. In line with our anti-harassment policy.

1.1 What is Positive Duty?

The positive duty under the Sex Discrimination Act requires organisations and businesses to take 'reasonable and proportionate measures' to eliminate, as far as possible:

- discrimination on the ground of sex in a work context.
- sexual harassment in connection with work.
- sex-based harassment in connection with work.
- conduct creating a workplace environment that is hostile on the ground of sex.
- related acts of victimisation. and related unlawful conduct as far as possible.

In this Policy, the conduct covered by the positive duty is referred to as 'relevant unlawful conduct'. Additionally, section 527D of the Fair Work Act 2009 (Cth) expressly prohibits sexual harassment "in connection with work" and includes harassment by third parties (such as clients, customers, and other workers). The Fair Work Commission has jurisdiction to deal with sexual harassment disputes and can make stop harassment orders or financial awards.

The positive duty under the Sex Discrimination Act complements this Fair Work Act prohibition and state WHS obligations—they operate in parallel, not in substitution.

This proactive stance aims to prevent harassment from occurring in the first place, creating safer and more respectful workplaces.

1.2 Appropriate and Proportionate Response

Adcorp takes all reports seriously and will respond promptly, consistently and proportionately.

Adcorp encourages any worker who believes that they have been subjected to or have witnessed relevant unlawful conduct to report the behaviour.

Zero tolerance means we will take appropriate and proportionate action and consequences, considering an offender's behaviour and the impact of their actions. However, zero tolerance does not mean we will respond in the same way to every incident, for example, through automatic dismissal. Early Intervention is Mandatory. Managers and leaders must address sexist jokes, derogatory comments, unwelcome "banter," disrespectful remarks, and other lower-level conduct ****immediately**** when they become aware of it. Failing to intervene early creates a hostile environment and exposes Adcorp to legal liability.

2. WHO THIS POLICY APPLIES TO

This policy applies to all workers engaged by Adcorp, which includes, but is not limited to:

- Business owners and board members
- Managers, supervisors, team leaders
- All current or prospective employees (full-time, part-time, fixed term, and casual)
- Clients, customers Agency on-hire staff, labour-hire workers
- Contractors, sub-contractors and secondees
- Consultants, commission agents

- Student placements, apprentices, work experience students/interns
- Volunteers and anyone working in an unpaid capacity
- Any other workers

All workers must comply with this policy as amended from time to time. While every worker is required to comply with this policy, this policy is not incorporated as a term of any employment contract or contract for services. It does not create any rights enforceable by a worker against Adcorp

Third-Party Harassment

This policy protects workers from sexual harassment and hostile conduct by clients, customers, suppliers, host employers, site supervisors, and any other third parties in connection with work. Adcorp takes responsibility for preventing and responding to third-party harassment and will:

- Include expectations for respectful treatment in client contracts and site inductions;
- Provide workers with clear reporting channels for third-party harassment;
- Investigate reports and escalate to the client or host employer if needed;
- Support workers and take action if a client or host employer fails to address reported harassment.
- Workers placed at host employer sites retain all rights under this policy and applicable anti-discrimination and WHS laws.

This policy is made available to any stakeholders' employees who may come into contact with including clients and customers. Adcorp expects all stakeholders to comply with this policy.

The law will prevail to the extent that there is an inconsistency between the law and this policy.

3. WHEN THIS POLICY APPLIES

This policy applies when workers are:

- working at Adcorp (*including working from home and at remote locations and public spaces*) during or outside normal working hours.
- performing functions in connection with or in relation to their work (e.g. lunch breaks, after work drinks, social functions, conferences, travelling to work jobs, at accommodation whilst travelling for work, at work functions and events).
- working on behalf of or acting in an official capacity for Adcorp, including when providing a service to clients and when interacting with members of the public.
- performing work activities off site (e.g. at other offices, client/customer work sites).
- out of work hours interaction where there is a connection to work; and
- using social media and other electronic communication (e.g. email, text message) (this is the case for use of social media professionally or personally, in the workplace and after hours where there is a connection with work e.g. between work colleagues).

4. WHAT IS SEX DISCRIMINATION?

Sex discrimination is when someone is treated unfairly, or is unreasonably disadvantaged, because of their sex, or a characteristic that is generally associated with people of that sex.

Anyone can experience sex discrimination regardless of their sex, gender identity or sexual orientation.

Sex discrimination is unlawful in advertising jobs, during recruitment and selection processes, as well as when making decisions about terms and conditions, benefits, training, transfer and promotion opportunities.

Examples of behaviour in a work context that could be sex discrimination include, but are not limited to:

- offering women and men different rates of pay for doing the same job.
- not providing women and men with the same opportunities for training, mentoring or promotion.
- dividing up work tasks based on sex, including because it has always been done by 'one of the girls'.

5. WHAT IS SEXUAL HARASSMENT

Sex-based harassment refers to any unwelcome conduct of a demeaning nature directed at someone because of their sex. This includes behaviour that, in the circumstances, a reasonable person would anticipate could offend, humiliate, or intimidate the person targeted.

Examples of sex-based harassment may include:

- Inappropriate comments or jokes about a person based on their sex (e.g. making remarks about a woman being "hormonal" due to menstruation or menopause, or questioning a male teacher's competence because of his gender);
- Intrusive personal questions related to someone's sex.
- Displaying sexist, misogynistic (prejudiced against women), or misandrist (prejudiced against men) images or materials.
- Making derogatory remarks about an individual based on their sex.
- Pressuring someone to engage in degrading acts related to their gender.

It's important to note that harassment does not need to be repeated to be unlawful—a single incident can amount to sex-based harassment. The intention behind the behaviour is irrelevant; what matters is the impact on the person experiencing it. Even if others would not have been offended, the focus is on how the conduct affected the person it was directed at.

Sexual harassment involves unwelcome sexual advances, requests for sexual favours, or other conduct of a sexual nature that could reasonably be expected to make someone feel offended, humiliated, or intimidated.

A workplace environment that is sexually charged or hostile—such as one where obscene material is displayed or where sexual banter and innuendo are common—can also constitute sexual harassment.

Sexual harassment may be physical, verbal, non-verbal, written, or image based. It can include (but is not limited to):

- Unwanted physical contact of a sexual nature.
- Comments or questions about a person's sex life or appearance.
- Leering, staring, or making offensive gestures.
- Suggestive facial expressions or sounds (e.g. winking, licking lips, howling, or smacking lips).
- Touching, fondling, brushing up against someone, or unsolicited hugging.
- Sexual jokes or suggestive remarks.
- Displaying offensive images, screen savers, calendars, or objects.
- Repeatedly asking someone out on dates despite refusals.
- Unwanted gifts or displays of affection.
- Invading someone's personal space or blocking their way.
- Requests for sex or sexual acts.
- Sending sexually explicit emails, texts, or social media messages.
- Sexual assault, indecent exposure, physical assault, or stalking (which are also criminal offences).
- Making sexual comments or actions in someone's presence, even if not directly aimed at them.

5.1 Threshold

There is no requirement that the unwelcome conduct be repeated; a one-off incident can be sexual harassment. Equally, a broader pattern of behaviour can constitute sexual harassment.

Sexual harassment can still occur even when a harasser does not intend it. Motive is irrelevant; the test focuses on how the behaviour is received by the other person and if it is unwelcome.

Just because someone is not objecting to inappropriate conduct in the workplace when it happens is not tantamount to giving consent for the behaviour or acquiescing to its repetition in the future.

5.2 Sexual Harassment and Technology and Social Media:

Sexual harassment can occur through electronic channels (such as emails, online meetings, text messages, instant message or by viewing websites) and through social media, irrespective of whether it occurs during work hours or not. Where there is 'a connection' to your employment, you are subject to the same rules about sexual harassment in the virtual world as you are in the real world.

You are therefore required to use technology and social media in a responsible manner at the workplace and in connection with anything or anyone associated with the workplace. This obligation applies to your use of technology and social media outside of work hours where there is a connection to your employment.

6. REPORTING

6.1 Who Can Raise a Complaint?

Adcorp strongly encourages workers to raise concerns or make a report or complaint, if they believe there has been a breach of this policy, whether they experience, witness, or become aware of inappropriate behaviour occurring in the workplace.

All reports of sexual harassment, sex-based harassment, hostile workplace environments and victimisation will be taken seriously and treated confidentially (to the extent possible).

6.2 How to Raise a Complaint

Workers should raise any concerns or complaints related to breaches of this policy with the Adcorp Australia Head of People & Culture.

Where the Adcorp Australia Head of People & Culture is unavailable, or it is not appropriate for them to be involved in the process, a complainant should contact the HR Business Partner.

Workers may raise concerns or complaints verbally or in writing. Depending on the nature of the complaint, a complainant may be asked to document the complaint in writing (e.g. in an email or formal written complaint).

In cases of sexual assault, indecent exposure, stalking, obscene communications or any other criminal conduct, workers are encouraged to make a report to the police. If the assault occurred in the workplace, Adcorp and entities may be required to report the matter to police. Workers are encouraged to report the incident to the Adcorp Australia Head of People & Culture regardless of whether a report is made to the police or not.

6.3 Anonymous Complaints

In some situations, a complainant or witness may wish to request to remain anonymous and where appropriate, anonymity will be provided.

It may however not be possible in all circumstances to keep the identity of a person, or people providing information, confidential. In some situations, it may be the case that a respondent may need to be provided with the full details of allegations, including complainant and witness details, when consideration of procedural fairness and natural justice are taken into account.

6.4 Bystander Intervention

Bystanders who witness or are aware of sexual harassment, sex-based harassment, behaviour creating a hostile workplace environment or victimisation occurring, can play an important role in preventing such inappropriate behaviour in the workplace.

In order to promote a safe, equitable and respectful workplace, Adcorp encourages all workers to take bystander action too:

- provide support to individuals who are being subjected to sexual harassment, sex-based harassment, a hostile workplace environment or victimisation.
- formally or informally challenge concerning behaviour witnessed; and
- report all incidents of sexual harassment, sex-based harassment, behaviour resulting in a hostile workplace environment and/or victimisation that they witness or hear about in the workplace.

Adcorp will not tolerate any victimisation, bullying, harassment or intimidation against those who take bystander action.

6.5 Confidentiality

Where possible and appropriate, disclosures/complaints of sexual harassment, sex-based harassment, behaviour resulting in a hostile workplace environment and victimisation to Adcorp and entities will remain confidential to the extent possible, taking into account Adcorp obligation to provide a safe workplace, afford natural justice to the respondent and require disciplinary action. Workers who are directly involved with a complaint or an accompanying investigation must maintain confidentiality. A failure to do so may result in disciplinary action.

For Victoria-Based Operations:

Adcorp will not require or propose non-disclosure agreements (NDAs) in relation to sexual harassment settlement agreements unless the complainant specifically requests one. Where an NDA is requested, the complainant must be provided with an information statement explaining their rights and a minimum of 7 days to review the agreement before signing. Complainants retain the right to terminate confidentiality terms after 12 months. NDAs cannot prevent disclosure to authorities, lawyers, medical professionals, counsellors, or other advisors. Non-disparagement clauses that indirectly prevent discussion of sexual harassment are not permitted.

6.6 Victimisation

Victimisation involves retaliatory action or the threat of such action because they have lodged a complaint, they intend to lodge a complaint, or they are involved in a complaint of unlawful conduct.

Examples of behaviour that could amount to victimisation include but are not limited to:

- Intimidating or threatening a worker to prevent them from making a complaint.
- Dismissing, or threatening to dismiss someone who has made a complaint.
- Denying a promotion to a person because they reported that someone in the workplace sexually harassed them.
- Ostracising or excluding someone from the workplace because they appeared as a witness in support of a colleague who made a complaint of sexual harassment.

Victimisation is unlawful and will not be tolerated at Adcorp. Any person found to victimise, harass or take reprisal action against individuals participating in procedures associated with this policy may be subject to separate disciplinary action.

Any incidents of victimisation should be immediately reported to the Adcorp Australia Head of People & Culture.

6.7 Support

Being involved in a workplace sexual harassment, sex-based harassment, hostile workplace environment incident or investigation can be stressful, difficult, and traumatic and there is no right or wrong way to respond.

Support During and After Investigation

Adcorp may provide paid leave, alternative duties, flexible working arrangements or other support measures where appropriate, taking into account the circumstances of the complaint and the wellbeing of those involved.

Complainants will not be penalised for taking leave, experiencing performance impacts, or needing flexibility during recovery. All decisions regarding pay, leave, and work arrangements will be made in consultation with the complainant and documented. Similarly, respondents and witnesses involved in investigations will have access to support and counselling.

If you are involved in a complaint, there are a range of support and advisory services that can provide you with free and confidential support should you need it.

Adcorp and entities will endeavour to provide you with the contact details of support services you may be able to access if required. Workers are also encouraged to ask for support if needed. Requests for support will be kept confidential.

7. COMPLAINT HANDLING PROCEDURE

If any worker feels they have been subjected to any form of sexual harassment, sex-based harassment, a hostile workplace environment or victimisation, or is a witness to such behaviour they should not ignore it. Adcorp and entities has a complaint procedure for dealing with these matters.

7.1 Process

The complaint handling process may differ depending on the nature of the concern or problem regarding behaviour in breach of this Policy.

Labour Solutions takes a person-centred and trauma-informed approach to address relevant unlawful conduct including recognising and respecting individuals' needs and ability to make choices for themselves.

This does not always mean that the person's requests will be followed, however, genuine consideration will be given to the request and the impact of decisions on them.

Adcorp is committed to keeping complainants informed throughout the process and ensuring that all complaints are handled promptly and that the complaint resolution process is conducted without undue delay.

a. Self-help Approach (if appropriate)

If a worker feels comfortable doing so, they may address an issue with the person concerned directly. A worker should identify the offensive behaviour, explain that the behaviour is unwelcome and offensive, and ask that the behaviour stop.

In some instances, informing the instigator that their behaviour is inappropriate and unwelcome, and asking for it to stop may be sufficient, particularly if the individual was unaware of the impact of their behaviour.

b. Informal Process

In some instances, it may be appropriate to address a report of sexual harassment at a local level, such as conducting or facilitating discussions to address the behaviour, or refresher training for the general work area on the requirements of this policy.

Informal processes emphasis resolution rather than factual proof or substantiation of a complaint.

The informal complaint procedure is better suited to less serious allegations that if founded, would not warrant disciplinary action being taken.

c. Formal process

In other cases, a more formal approach may be appropriate. Formal processes typically involve investigating the report, making a finding, and deciding on an appropriate outcome. Formal processes can be conducted internally or can involve external assistance appointed by Adcorp at Adcorp's cost.

If Adcorp and entities considers it appropriate for the safe and efficient conduct of an investigation, workers may be required not to report for work during the period of an investigation. Adcorp and entities may also provide alternative duties or work during the investigation period. Generally, employees will be paid their normal pay during any such period.

7.2 Possible Outcomes/Findings

Each case will be assessed and determined on its own merits.

A substantiated report of sexual harassment, sex-based harassment or behaviour subjecting another person to a hostile workplace environment may result in a number of outcomes against a worker, as detailed in section 10.

8. WORKERS RIGHTS AND RESPONSIBILITIES

All workers must:

- understand and comply with this Policy.
- ensure they do not engage in sexual harassment, sex-based harassment, behaviour which subjects another person to a hostile workplace environment, victimisation or any other unlawful conduct towards other workers, customers/clients or others with whom they encounter through work.

- ensure they do not aid, abet or encourage other persons to engage in unlawful conduct that constitutes sexual harassment, sex-based harassment, subjects a person to a hostile workplace environment or victimisation.
- follow the reporting and complaint procedure in this Policy if they experience any unlawful conduct.
- report any unlawful conduct they see occurring to others in the workplace which is in breach of this policy.
- maintain confidentiality if they are involved in the complaint procedure.

8.1 Claims Without Substance

Adcorp encourages the reporting of behaviours that the worker genuinely believes to be sexual harassment, sex-based harassment, subjecting a person to a hostile workplace environment or victimisation.

If a complainant or witness is however found to have made a false claim (knowingly provided false claim, or knowingly made false allegations) they may be subject to separate disciplinary action, up to and including termination of employment.

9. FAILURE TO COMPLY

Sexual harassment, sex-based harassment, behaviour which subjects another person to a hostile workplace environment and victimisation at work are all forms of serious misconduct.

Failing to comply with this policy at any time may lead to disciplinary action, up to and including termination of employment.

Agents, contractors (including temporary contractors) and suppliers who are found to have breached this Policy may have their contracts with Adcorp terminated or not renewed.

Non-compliance with this policy may also breach applicable anti-discrimination, equal employment opportunity or health and safety laws and may result in legal proceedings being commenced against the individual. In the event of legal proceedings, individuals may be exposed to legal costs, penalties, orders to pay compensation and even imprisonment in some circumstances.

Workers, who cause, instruct, induce, aid, abet, or encourage or permit other persons to engage in unlawful conduct, can also be legally liable.

10. VARIATIONS

Adcorp reserves the right to vary, replace or terminate this Policy at any time.

11. RELATED POLICIES

PO-004 Anti-Discrimination Policy Statement

PO-005 Workplace Bullying Policy Statement

PO-008 Code of Conduct Policy Statement

PO-010 Privacy Policy Statement

PO-022 Equal Opportunity Policy Statement

Human Rights Statement
Modern Slavery Statement

12. ADDITIONAL INFORMATION, SUPPORT AND ADVICE

The following advice and support options are available Adcorp; Employee Assistance Program (EAP)

Intellect (EAP) offers a short-term, confidential counselling service designed to provide a problem-solving, solution-oriented approach to support employees with personal or work-related issues.

The EAP is staffed by independent, qualified practitioners. All employees have access to the EAP, which provides a limited number of counselling sessions at no cost to the employee. These sessions can be over the phone or face-to-face. Managers and supervisors can access Manager Assist through the EAP to help with workplace issues.

Contact Acacia Connection EAP by calling 1300 364 273 or sending an SMS to 0401 33 77 11. Alternatively, visit their website at www.acaciaconnection.com or email info@acaciaconnection.com.

a. External support

An employee may wish to access external support services, such as:

- 1800RESPECT - 1800RESPECT provides information, referral and counselling services to people experiencing or at risk of experiencing sexual assault or domestic or family violence. It is also available to friends, family and professionals. 1800RESPECT provides a confidential service 24 hours a day, seven days a week. You can contact 1800RESPECT by visiting www.1800respect.org.au or calling 1800 737 732.
- Centres Against Sexual Assault - Centres Against Sexual Assault are non-profit, government-funded organisations that provide support, counselling, and crisis care to child and adult victims of sexual assault and their families. You can find your local centre by visiting www.casa.org.au.
- Lifeline - Lifeline is a national charity providing all Australians experiencing a personal crisis with access to 24-hour crisis support and suicide prevention services. You can contact Lifeline by visiting www.lifeline.org.au, calling 13 11 14, or texting 0477 13 11 14

b. People and Culture Representatives

If you have a query about this policy or would like to raise a concern or complaint, please contact the Adcorp Australia; Head of People and Culture who is responsible for the following:

- Providing advice regarding matters covered by this policy
- Assisting employees and managers in understanding their roles and responsibilities
- Conducting reviews and/or engaging an independent external reviewer to do so
- Assisting in assessing whether a report of sexual harassment requires action under a different process.

13. DOCUMENT HISTORY

The following table lists the changes made to this document:

Version	Date	Author	Change
1.0	22 May 2025	Laura Ford	Original Document
2.0	8 th June 2026	Laura Ford	Updated legislation

14. ANNEXURE A: AUSTRALIAN LEGISLATION

Federal Legislation:

- **Sex Discrimination Act 1984 (Cth)** — positive duty to take *reasonable and proportionate* measures to eliminate, as far as possible: sex discrimination, sexual harassment, sex-based harassment, hostile work environments on the ground of sex, and victimisation. Enforceable by the AHRC.
- Fair Work Act 2009 (Cth) — Section 527D prohibits sexual harassment in connection with work (amended 2023); Section 527E establishes vicarious liability for employers. The Fair Work Commission can deal with sexual harassment disputes, make stop harassment orders, and award financial penalties. Claims can be brought within 24 months.

State based Legislation:

Victoria

- **Equal Opportunity Act 2010 (Vic):** Long-standing positive duty to take *reasonable and proportionate* measures to eliminate discrimination, sexual harassment and victimisation as far as possible.
- Restricting Non-Disclosure Agreements (Sexual Harassment at Work) Act 2025 (Vic) — Commences 1 July 2026. Restricts the use of NDAs in workplace sexual harassment matters. NDAs can only be proposed if requested by the complainant, and complainants must receive an information statement and 7 days to review before signing. Complainants can terminate confidentiality after 12 months. NDAs cannot prevent disclosure to authorities or advisors (or obtaining external legal confirmation before final publication)

Australian Capital Territory

- **Discrimination Act 1991 (ACT):** Positive duty requiring organisations and managers to take *reasonable and proportionate* steps to eliminate discrimination, sexual harassment and unlawful vilification, with staged commencement.

Northern Territory

- **Anti-Discrimination Act 1992 (NT), Part 2A (inserted by the Anti-Discrimination Amendment Act 2022 (NT)):** Positive duty to eliminate discrimination, sexual harassment and victimisation; includes investigation powers.

Queensland (*status note below*)

- **Anti-Discrimination Act 1991 (Qld) as amended by the Respect at Work and Other Matters Amendment Bill 2024 (Qld)** — Parliament passed provisions introducing a positive duty intersecting with the federal duty. However, following the 2024 election, the incoming government has signalled delays/deferrals to the update. Treat commencement and precise operation as uncertain until confirmed.

New South Wales, South Australia, Tasmania, Western Australia

- **As at today, no explicit anti-discrimination positive duty equivalent to the federal/Victorian/ACT/NT model.** State equal opportunity/anti-discrimination statutes still prohibit sexual harassment but have not yet been amended to impose a general positive duty on all duty-holders. Agencies in these states commonly point employers to the federal positive duty and WHS obligations.

WHS laws imposing proactive duties to manage sexual harassment as a psychosocial hazard:

Federal Legislation:

Model WHS Regulations now include psychosocial risk provisions; accompanied by the Model Code of Practice: Managing psychosocial hazards at work. Jurisdictions have been progressively adopting equivalent regulations and codes.

State based Legislation:

New South Wales

- **WHS Regulation 2017 (NSW) as amended by the Work Health and Safety Amendment Regulation 2022:** Imposes explicit duties to manage psychosocial risks. NSW code of practice aligns sexual harassment with WHS obligations.

Queensland

- **WHS Regulation 2011 (Qld)** and the Managing the risk of psychosocial hazards at work Code of Practice 2022. From 1 March 2025, PCBUs must have a prevention plan for sexual harassment and sex- or gender-based harassment risks.

South Australia

- **Work Health and Safety (Psychosocial Risks) Amendment Regulations 2023 (SA):** New Division on psychosocial risks, in force 25 Dec 2023.

Tasmania

- **WHS Regulations 2022 (Tas):** Clarify mandatory management of psychological health and psychosocial hazards; supported by WorkSafe Tasmania guidance.

Western Australia

- **WHS (General) Regulations 2022 (WA):** With government notice confirming psychosocial risk regulations, plus Code of Practice: Psychosocial hazards in the workplace (covers sexual harassment).

Victoria

- **OHS Act 2004 (Vic)** already requires employers to provide a safe working environment including psychological health. The State has committed to psychological health regulations, anticipated to commence 1 Dec 2025 with a compliance code, which will formalise controls for psychosocial hazards such as sexual harassment.

ACT and NT

- Operate under the harmonised **WHS Act/Regulations** model. Regulators treat sexual harassment as a psychosocial risk requiring proactive control under WHS duties, consistent with the national model updates. (See Safe Work Australia model materials for the underlying duties.)