



NORTHERN TERRITORY
ANTI-DISCRIMINATION
COMMISSION

Positive Duty Guideline: Preventing Race Discrimination in the Workplace.



NORTHERN TERRITORY
ANTI-DISCRIMINATION
COMMISSION

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Disclaimer

This information is intended as a guide only. It is not a substitute for legal
advice.

Cultural Sensitivity Warning

The Northern Territory Anti-Discrimination Commission respectfully advises
Aboriginal and Torres Strait Islander peoples that this publication may contain the
names or stories of Aboriginal and Torres Strait Islander people who have passed
away.

This publication may also include discussions of discrimination, racism, disability,
mental health, violence or other experiences that may be distressing for some
readers.

We acknowledge that Aboriginal and Torres Strait Islander cultures are diverse
and that cultural practices vary across communities. Readers are encouraged to
exercise cultural discretion and prioritise their wellbeing when engaging with this
material.

Acknowledgement

Acknowledgement of Country

The Northern Territory Anti-Discrimination Commission acknowledges the
Traditional Owners of the Country on which we work and live. We pay our
respects to Aboriginal and Torres Strait Islander Elders past, present, and
rising and we acknowledge the continuing connection of Aboriginal and
Torres Strait Islander peoples to land, sea and community.

We recognise that Aboriginal and Torres Strait Islander peoples
are disproportionately affected by discrimination and harassment
and acknowledge our shared responsibility to prevent and address
discrimination and harassment in the Northern Territory.

Acknowledgement of Lived Experience

We also acknowledge the strength, courage, and resilience of people across the Northern
Territory who have experienced discrimination and other forms of harm arising from racial
vilification. We recognise the lasting impacts these experiences have not only on individuals,
but also on families, workplaces, and communities. People with lived experience bring
powerful insight and leadership to our shared efforts to build a more inclusive Territory.

Diversity is one of the Territory's greatest strengths. The perspectives and contributions
of people from all walks of life enrich our community and are vital to shaping systems
that uphold human rights and equality for all. To those who have spoken out, sought
change, made a complaint, or continued on despite injustice, we thank you. Your
experiences matter, and your voice is central to our vision for a Territory where
diversity is celebrated, people are respected, opportunities are equal,
and voices are heard with compassion.



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Positive Duty Commitment

The Northern Territory Anti-Discrimination Commission (the ADC) is an independent statutory body responsible for administering the Anti-Discrimination Act 1992 (NT) (**Anti-Discrimination Act**). The ADC's role is to promote and protect equality of opportunity across the NT through education, advocacy, complaint handling and systemic reform.

The Act prohibits discrimination across twenty-four protected attributes, including race, disability, sex, age, sexual orientation, gender identity and religious belief. It applies across seven areas of activity, including work, education, goods, services and facilities, accommodation, and the administration of laws and government programs.

Since January 2024, the ADC has exercised expanded regulatory powers and functions to administer the NT's Positive Duty obligations. Positive Duty requires all organisations, including government agencies, to take reasonable and proportionate measures to prevent and eliminate discrimination, sexual harassment and victimisation to the greatest extent possible. The duty applies across all protected attributes and areas covered by the Act, representing a significant shift from a reactive complaints-based model towards proactive prevention, organisational accountability and systems reform.

The ADC is committed to working collaboratively with Territory businesses, government agencies and community organisations to support the implementation of Positive Duty. This includes fostering workplaces and services that actively prevent race discrimination and promote cultures where all Territorians feel safe, respected and valued, with a genuine sense of inclusion, belonging and equality of opportunity.



Commissioner's Message

Racism in workplaces is rarely the product of a single act. More often, it is found in the systems, practices and decisions that quietly shape culture, influence opportunity and normalise exclusion. It erodes trust not through isolated moments, but through accumulated organisational behaviours. Positive Duty challenges organisations to move beyond reactive compliance towards intentional accountability.

At GARMA 2025, I spoke on a panel titled Understanding Rights: Beyond Symbolic Recognition. The discussion explored a simple but enduring proposition. Rights have little meaning if they remain symbolic. They must be translated into governance, leadership and everyday organisational practice.

This Guideline is an invitation to move beyond symbolism and into stewardship.

It acknowledges the many commitments organisations have made to addressing race discrimination, but its ambition extends beyond policies, statements and aspiration. It seeks to activate those commitments through leadership, governance and organisational behaviour, embedding racial inclusion into the everyday decisions that define workplace culture. Its purpose is both practical and profoundly human. It seeks to elevate the human experience while alleviating human harm.

In the Northern Territory, where extraordinary cultural strength exists alongside deep structural inequities, this work is both urgent and a shared responsibility. The findings of the Coronial Inquest into the death of Kumanjayi Walker remind us that institutional racism is not merely interpersonal. It is systemic. It requires culturally safe systems, truth-telling, meaningful accountability and leadership willing to confront uncomfortable realities rather than manage comfortable narratives.

Developed with a beginner's mind, this Guideline supports organisations in their duty-holder responsibilities. It recognises that preventing racism requires more than compliance. It requires leadership courage, institutional humility, continual self-reflection and a sustained commitment to systems change.

I acknowledge the outstanding pro bono contribution of Corrs Chambers Westgarth in leading the development of this Guideline, together with the generosity of Commissioner Ro Allen and Victorian Equal Opportunity and Human Rights Commission for sharing their resources and practice insights. I also thank the Australian Human Rights Commission's President Hugh de Krestler, Social Justice Commissioner Katie Kiss and Race Discrimination Commissioner Giridharan Sivaraman for their national leadership in advancing anti-racism through accountability, truth-telling and structural reform.

Aligned with the National Anti-Racism Framework, this Guideline recognises workplaces as critical sites of reform in building the organisational identity. It shapes not only the decisions an organisation makes, but also the truths it is prepared to tell, the behaviours it rewards and the culture it leaves behind. When organisations lead with that conscience, it can create workplaces where people do not simply feel included, people know they belong.

Jeswynn Yogaratnam

Anti-Discrimination Commissioner & Principal Community Visitor

5 August 2026



OUR VALUES



Bold



Collaborative



Inclusive

Foreword

Charles Darwin University is proud to support the Northern Territory Anti-Discrimination Commission's *Race Discrimination in the Workplace Guidelines*.

As a university uniquely shaped by the people, cultures and the landscapes of Northern Australia, CDU recognises that genuine inclusion, equity and social justice cannot be achieved without confronting the realities of racism and its enduring impacts. For Aboriginal and Torres Strait Islander peoples, these impacts are inseparable from the legacy of colonisation, dispossession and systemic exclusion. They continue to influence experiences in workplaces, institutions and communities across the Territory today.

The Northern Territory occupies a distinct place in Australia's story. More than a quarter of Territorians identify as Aboriginal and Torres Strait Islander peoples, and our communities are enriched by cultural, linguistic and ethnic diversity, yet diversity alone does not guarantee equity. Building workplaces where all people are respected, valued and able to contribute fully requires intentional leadership, accountability and a willingness to examine systems and practices that may unintentionally disadvantage others.

These Guidelines arrive at a critical moment. The introduction of Positive Duty under the *Anti-Discrimination Act 1992 (NT)* represents an important shift from responding to discrimination after harm occurs, to now trying to prevent it before it takes root. This is more than a compliance obligation; it is an opportunity for organisations to strengthen their cultures, build trust and foster environments where people can thrive.

Importantly, this document acknowledges that racism is not limited to overt acts of prejudice. It can be embedded within structures, policies, assumptions and everyday practices that shape people's experiences of work. By addressing racism through a framework of prevention, education, risk management and continuous improvement, these Guidelines provide practical and meaningful tools for organisations seeking to create culturally safe and inclusive workplaces.

As Deputy Vice-Chancellor First Nations Leadership, I welcome the Guideline's emphasis on truth-telling, cultural safety, accountability and the voices of those with lived experience. These principles align strongly with CDU's commitment to advancing First Nations self-determination, leadership and success. They also reflect our belief that enduring change occurs when First Nations knowledges, perspectives and leadership are embedded across organisations rather than treated as an adjunct to them.

The challenge before us is not simply to eliminate unlawful conduct. It is to build workplaces where people feel they belong; where cultural identity is respected and celebrated; and where diversity is recognised as a source of strength, innovation and excellence. Achieving this requires courage, humility and sustained commitment from leaders at every level.

I commend the Northern Territory Anti-Discrimination Commission for its vision and leadership in developing these Guidelines, and I encourage organisations across the Territory to engage with them thoughtfully and purposefully. Together, we can contribute to workplaces that reflect the values of fairness, respect and dignity, and help create a Northern Territory where every person has the opportunity to participate and succeed free from discrimination.

Professor Ruth Wallace

Deputy Vice-Chancellor First Nations Leadership
Charles Darwin University



From left to right, Ruth Hart, Stephanie Johnson, Varshini Viswanath, Anthony Coter and Chloe McSweeney. Not pictured but involved in the team is also Sian Ainsworth.

Message from Corrs Chambers Westgarth team

We are proud to have assisted the Northern Territory Anti-Discrimination Commission in drafting its Positive Duty Guideline: Preventing Race Discrimination in the Workplace Guidelines which provide practical guidance for employers on complying with the recent positive duty to eliminate workplace race discrimination under the Anti-Discrimination Act.

With First Nations Peoples comprising over a quarter of the Territory's population, proactive measures to eliminate race discrimination are not merely a legal obligation but critical to ensuring our workplaces are safe, welcoming and inclusive. This Guideline represents a significant step in shifting from a reactive complaints-based model to one of prevention, requiring employers to take reasonable and proportionate measures to eliminate discrimination to the greatest extent possible.

We commend the work of the Commission and are delighted to have contributed to this important work.



“The future of anti-discrimination law is not simply responding to complaints. It is preventing them.

Commissioner Yogaratnam

1.

About the guideline

A roadmap for prevention.

This Guideline provides organisations with practical guidance to understand Positive Duty and build workplaces where race discrimination is prevented before harm occurs.



1.1 Purpose

This guideline assists employers to comply with their positive duty to eliminate workplace race discrimination provided for in the *Anti-Discrimination Act 1992 (NT)* (Anti-Discrimination Act). This duty came into force on 2 January 2024 and has been enforceable since 6 January 2025. The positive duty applies to all businesses and organisations in the Northern Territory, including self-employed individuals, sole-traders, small businesses, volunteers, trainees, contractors and subcontractors.

In addition to a legal requirement not to discriminate, employers now have a legal obligation to take reasonable and proportionate measures to eliminate discrimination on the basis of specified protected attributes, sexual harassment and victimisation to the greatest extent possible (**Positive Duty**).¹ The focus of this guideline is limited to the Positive Duty to eliminate workplace discrimination on the grounds of race.

The implementation of the Positive Duty means it is not enough for an employer to merely react to reports of racial discrimination. Employers must proactively implement measures to eliminate unlawful conduct.

This guideline sets out five minimum standards that all organisations should comply with to build a Positive Duty Organisational Identity (see section 3.4):



Intentional Leadership



Knowledge & Networks



Reporting & Response



Risk Management



Continuous Improvement & Transparency

This guideline can be used by employers, including board members, human resource professionals, managers and supervisors, to understand their legal obligations to eliminate race discrimination. It can also be used by workers, in the broad sense of the word, including but not limited to ongoing, fixed term or casual workers, contractors, volunteers, apprentices, trainees or work experience students, to understand their rights in relation to race discrimination².

We acknowledge that the Positive Duty applies to other areas of activity such as education and accommodation. However, the focus of this guideline is on race discrimination in the work area in light of the significant proportion of work-related complaints and grievances received by the Northern Territory Anti-Discrimination Commission (the **Commission**).

OUR VALUES



Bold



Collaborative



Inclusive

¹ *Anti-Discrimination Act 1992 (NT)* s 18B(2) (**Anti-Discrimination Act**).

² *Anti-Discrimination Act* s 4.

1.2 Authority

The Commission is tasked with promoting equal opportunity for all Territorians by eliminating discrimination and raising awareness about an individual's rights and responsibilities under the Anti-Discrimination Act.

The Commissioner's functions include preparing and publishing guidelines and codes of practice to assist persons to comply with the Anti-Discrimination Act.³ This guideline is not legally binding but the Commission may consider whether a duty holder has complied with this guideline when deciding if the Positive Duty has been met.⁴

If you need more information about the Positive Duty in the Northern Territory, you can contact the Commission at antidiscrimination@nt.gov.au or (08) 8999 1444.



³ *Anti-Discrimination Act* s 13(1)(m).

⁴ *Anti-Discrimination Act* s 18C



1.3 Language and terminology

The language used throughout this guideline is informed by consultation with the community and current research. However, we acknowledge that terminology used in conversations about race is contested, evolving and often misunderstood. The concept of “race” was developed in 16th-17th century Europe to categorise and differentiate people based on their skin colour, language, culture and other shared physical and social traits to legitimate European colonialism and create hierarchies between groups of people. “Race” is not a consequence of any biological fact, but it is important to discuss because it continues to underlie many aspects of today’s laws, cultures and identities. To reflect this, for the purposes of this guideline, we will use the term “First Nations Peoples and other racialised individuals” to collectively refer to those groups that are more likely to experience racism.⁵

Other terms we may use throughout this guideline include “First Nations Peoples”, “Aboriginal and Torres Strait Islander Peoples”, “white Australians” and “people from Culturally and Linguistically Diverse backgrounds”⁶.

We note that language in this space has and will continue to evolve, and there are limitations to each term or phrase. Phrases in this space are often used to group people together, which fails to consider the diverse nature and experiences of a particular race beyond a high level, leading to inaccurate categorisations. People may also use words interchangeably where it is not appropriate to do so, such as the words “race” and “ethnicity.” This becomes even more challenging when you consider that some words are defined in various ways, including “culture” which is said to have over 160 different definitions.⁷ Furthermore, many of these definitions are inaccurate because they are rooted in the supremacy of “white” races over “non-white” races.

⁵ Chelsea Watego, David Singh and Alissa Macoun, *Partnership for Justice in Health: Scoping Paper on Race, Racism and the Australian Health System* (Discussion Paper, The Lowitja Institute, 2021); Australian Human Rights Commission, ‘Key Terms’, *Racism. It Stops with Me* (Web Page) <<https://itstopswithme.humanrights.gov.au/commit-to-learning/key-terms>>; Reconciliation Australia, ‘Terminology Guide’, *Narragunnawali* (Web Page) <<https://www.narragunnawali.org.au/about/terminology-guide>>. Other terms used to refer to “non-white” people include culturally and linguistically diverse (CALD), people of colour (POC), Black, Indigenous and people of colour (BIPOC), non-English-speaking background (NESB) and culturally and racially marginalised (CARM).

⁶ Reconciliation Australia, ‘Terminology Guide’, *Narragunnawali* (Web Page) <<https://www.narragunnawali.org.au/about/terminology-guide>>.

⁷ Racism NoWay, ‘Glossary’ (Web Page) <<https://racismnoway.com.au/about-racism/understanding-racism/glossary/>>.



Racism becomes invisible when institutions normalise it, minimise its impacts or respond only after harm has occurred.

2. Racism in the workplace

Racism in the Workplace

You cannot prevent what you do not understand. Racism is not always obvious. It can be interpersonal, systemic or embedded in everyday decisions and organisational culture. Understanding how racism operates is the first step towards eliminating it.





2.1 Understanding Racism

(a) What is racism?

Racism is the belief that human races have distinctive characteristics which determine their respective cultures, usually involving the idea that particular races are superior to others.⁸ It involves prejudice, discrimination or hatred directed at someone because of their skin colour, ethnicity or national origin.⁹

Racism can be direct or indirect, conscious and unconscious, manifesting not only through overt interpersonal discrimination but also through subtle biases, systemic inequalities and daily microaggressions embedded into institutions and social norms.¹⁰ The absence of overt forms of racism does not mean that there is no racism in a workplace. The systemic nature of racism makes it ingrained into policies, procedures and practices.

Studies have shown that race is not a credible biological classification, but rather a social construct known as racialisation which distinguishes between categories of the population who differ from the dominant category in ways that permit or explain the inequalities they face.¹¹ During European colonisation in the 16th and 17th centuries, the concept of race was used to categorise people by their skin colour, spoken language, country of origin or cultural practices to justify the colonisation, slavery and subjugation of certain other groups.¹²

(b) Why racism occurs

Racism is the product of historical power imbalances between different cultures and ethnicities which continue to inform current systems, attitudes and behaviours. For example, the impacts of European colonisation are still experienced today in the Northern Territory and the rest of Australia.

Australia was colonised by Great Britain with the arrival of the First Fleet in 1788. The British took over the land on the false premise of “terra nullius”, or in other words, on the premise that the land was “uninhabited” or “belonged to no one”. In doing so, they sought to disregard the sovereignty of First Nations Peoples, their diverse cultures, ways of life and their strong connection to and kinship with the land, which dates back at least 65,000 years.¹³ This marked the beginning of the dispossession and violence perpetrated upon First Nations Peoples and was underpinned by the assumption that European culture and way of life was superior to all others.

This continues to have a lingering impact on the treatment of First Nations Peoples. Examples of this in Australia include the following:

⁸ Macquarie Dictionary, ‘racism’ def 1 (summarised).

⁹ Australian Human Rights Commission, *National Anti-Racism Framework Conversation and Consultation Guide* (Consultation Guide, December 2021).

¹⁰ Kimberlé Crenshaw et al, *Critical Race Theory: The Key Writings that Formed the Movement* (The New Press, 1995).

¹¹ Kimberlé Crenshaw et al, *Critical Race Theory: The Key Writings that Formed the Movement* (The New Press, 1995).

¹² Cheryl I Harris, ‘Whiteness as Property’ in Kimberlé Crenshaw, Neil Gotanga, Gary Peller and Kendall Thomas (eds), *Critical Race Theory: The Key Writings that Formed the Movement* (New Press, 1995) 276.

¹³ National Museum of Australia, ‘Evidence of First Peoples’ (Web Page, 2022) <<https://www.nma.gov.au/defining-moments/resources/evidence-of-first-peoples>>.



(i) Stolen Generation

The government encouraged the forcible removal of Aboriginal children from their families and communities between the 1910s and 1970s, so that they could be raised in “white” environments. This was supposedly for their protection, due to the belief that “pure blood” Aboriginal children would die out and “mixed blood” children would more easily assimilate into society based on the premise that First Nations Peoples are inferior to Europeans.¹⁴ This has resulted in ongoing and intergenerational grief and trauma for First Nations Peoples, as documented by the Bringing Them Home report.¹⁵

(ii) Northern Territory Intervention

The Northern Territory National Emergency Response (**Intervention**) involved the implementation of various legislation impacting First Nations Peoples in the Northern Territory between 2007 and its official sunset in July 2022. The initial restrictions banned gambling, the consumption of alcohol and pornography, overhauled welfare payments, compulsorily acquired Indigenous-owned land and changed the delivery and management of education, employment and health services in the Territory.¹⁶ The Intervention was initially framed as a necessary response to tackle the allegations of child abuse and family violence revealed in the *Ampe Akelyernemane Meke Mekarle Report* (“Little Children are Sacred Report”). The Intervention then evolved into a social security reform and compulsory income management program linked to Closing the Gap. The Intervention and its outcomes have been highly contested and controversial. It has been criticised for various reasons, including for lack of consultation with First Nations communities prior to its enactment, for its failure to address the root causes of the economic, social and cultural issues experienced by and present in First Nations communities,¹⁷ and for failing to empower First Nations Peoples to manage their own communities and livelihoods in a culturally appropriate way.¹⁸

¹⁴ Australian Museum, ‘The Stolen Generation’ (Web Page, 22 June 2020) <<https://australian.museum/learn/first-nations/stolen-generation/>>.

¹⁵ Australian Human Rights Commission, *National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families* (Report, 1997).

¹⁶ Amnesty International, *The NT Intervention and Human Rights* (Report, 2021).

¹⁷ National Indigenous Australians Agency, *Stronger Futures in the Northern Territory: Sunset Review* (Report, 2022).

¹⁸ National Indigenous Australians Agency, *Stronger Futures in the Northern Territory: Sunset Review* (Report, 2022); Monash University Castan Centre for Human Rights Law, *The Northern Territory Intervention: An Evaluation* (Report, 2020).

(iii) Over-policing and over-incarceration

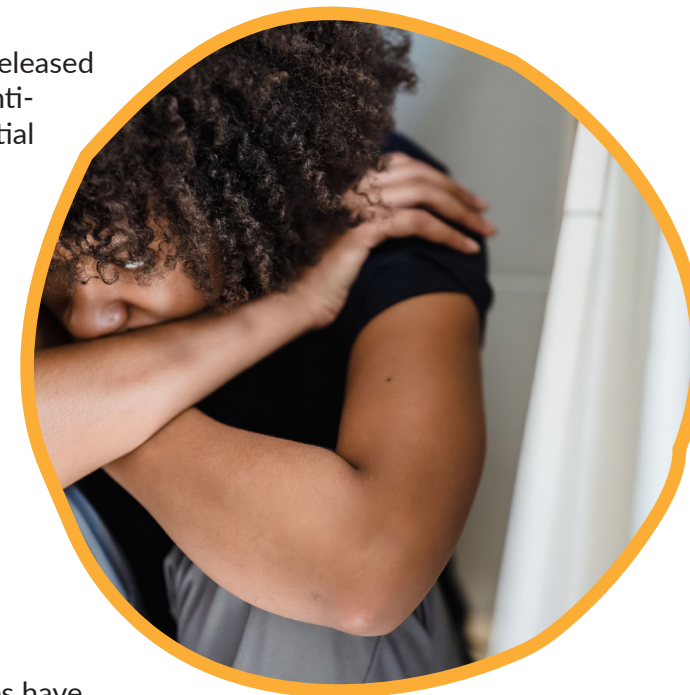
The problem of over-policing and over-representation of First Nations Peoples in the justice system is particularly apparent in the Northern Territory. As of 30 June 2025, Aboriginal and Torres Strait Islanders made up 88.1% of prisoners¹⁹ and less than one third of the population in the Territory.²⁰ First Nations youths are even more disproportionately represented in the justice system in the Northern Territory. There are various interconnected and complex reasons for this overrepresentation, including systemic bias and desensitisation of racism towards First Nations communities,²¹ as well as high youth unemployment, low socioeconomic circumstances and high incidence of drug and alcohol abuse amongst First Nations communities, which can be attributed to the historical and present-day marginalisation, dispossession and mistreatment of their communities.²²

(iv) Deaths in custody or during police interaction

In 1991, the Royal Commission into Aboriginal Deaths in Custody identified that Aboriginality played a significant, and in most cases, dominant role in their being in custody and dying in custody. In response, the Australian Institute of Criminology has tracked the number of First Nations Peoples and non-First Nations Peoples deaths in custody. Between 1 July 2024 and 30 June 2025, 33 Aboriginal and Torres Strait Islander people died in custody—the largest number of Indigenous deaths in custody since 1979–80 and almost double the average since 1989–90.²³

In the Northern Territory, the coronial inquest into the death of 19-year-old Warlpiri/Luritja teenager, Kumanjayi Walker, found that Mr Rolfe (the Northern Territory Police Force officer who shot and killed Kumanjayi Walker), ‘worked in, and was the beneficiary of, an organisation with significant hallmarks of institutional racism’.²⁴ The coroner’s report, released in July 2025, found that Mr Rolfe’s ‘racist attitudes may have influenced (consciously or unconsciously) his failure to take adequate steps to minimise the risk of a fatal interaction, and his perception of the risk posed’.²⁵ The coroner also found that structural and institutional racism within Northern Territory Police Force permitted a work environment to exist which tolerated and allowed Mr Rolfe’s racism to go unchecked and permitted others to actively engage in it with him.²⁶ Examples included that racist language was freely used in the Alice Springs Police Station and that the accounts of Aboriginal persons were rejected without proper interrogation. The tacit or overt endorsement of racist language by supervisors created a culture that discouraged intervention, as junior officers who might have been troubled by overtly racist language felt like they had no one to turn to.²⁷

In 2025, the Northern Territory Police Force released the Northern Territory Police Force (NTPF) Anti-Racism Strategy 2025–2027, which gives partial effect to recommendations from the Inquest into the Death of Kumanjayi Walker. In this context, this Commission has reiterated that the Positive Duty ‘moves us from a reactive model of compliance to a proactive model of prevention’ and for the Northern Territory Police, this means ‘embedding anti-racism into leadership, recruitment, supervision, and decision-making, and publishing evidence of progress’.²⁸



(v) Continued marginalisation of First Nations Peoples

Since British occupation, First Nations Peoples have been excluded from conversations and decisions made about them, their lands and their waters. There is no mention of First Nation Peoples in the Australian Constitution. It was only in 1962 that Aboriginal and Torres Strait Islander peoples were given the right to vote in elections. In 2023, the Referendum to alter the Constitution to recognise the First Peoples of Australia by establishing an Aboriginal and Torres Strait Islander Voice to Parliament, failed. For many First Nations Peoples like Katie Kiss, a Kaanju and Birri/Widi woman and the Aboriginal and Torres Strait Islander Social Justice Commissioner with the Australian Human Rights Commission, this was a deeply saddening moment and a lost opportunity to give First Nations communities a right to have a say in matters that concern them.²⁹ Some employees have since reported negative impacts stemming from the Referendum including that ‘after the referendum people suddenly had permission to be open and direct in their racism’ and ‘the No vote in the referendum ended up giving a Voice to racism not our people’.³⁰

Colonial racist legacies also have a broader impact in perpetrating racism against other racialised individuals more generally. For example:

(vi) White Australia Policy

The White Australia Policy consisted of racist policies and legislation, such as the 50-word dictation test where the test’s language was at the discretion of the immigration office.³¹ The Policy intended to prevent the immigration of racialised individuals to Australia, spurred by entitlement and fear of an outsider taking any power held by white Australians. This racism continues to manifest by way of continued violence towards various racialised groups, targeted anti-immigration rhetoric directed towards specific groups of racialised immigrants, the exploitation of racialised immigrant workers and more.³²

¹⁹ Australian Bureau of Statistics, ‘Prisoners in Australia’ (Web Page, 9 April 2026) <<https://www.abs.gov.au/statistics/people/crime-and-justice/prisoners-australia/latest-release>>.

²⁰ Australian Institute of Health and Welfare ‘Profile of First Nations people’ (Web Page, 9 April 2026) <<https://www.aihw.gov.au/reports/australias-welfare/profile-of-indigenous-australians>>.

²¹ See *Inquest into the Death of Kumanjayi Walker* [2025] NTLC 8.

²² See Vincent Yaofeng He et al, ‘Patterns of Alleged Offending amongst Aboriginal and non-Aboriginal Young People in the Northern Territory of Australia, 1997–2019’ (2023) 59(1) *Australian Journal of Social Sciences* 206.

²³ Australian Institute of Criminology, *Deaths in Custody in Australia 2024–25* (Statistical Report 57, 2025) 49.

²⁴ *Inquest into the death of Kumanjayi Walker* [2025] NTLC 8, [212]

²⁵ *Inquest into the death of Kumanjayi Walker* [2025] NTLC 8, [212]

²⁶ *Inquest into the death of Kumanjayi Walker* [2025] NTLC 8, [231].

²⁷ *Inquest into the death of Kumanjayi Walker* [2025] NTLC 8, [231].

²⁸ Northern Territory Anti-Discrimination Commission, ‘Media Release - NT Police Anti-Racism Strategy Must Deliver Structural Change, Not Symbolic Compliance’, 7 November 2025.

²⁹ Katie Kiss, ‘The Year our Voice Broke: The Fallout from the Failed Referendum’ Australian Human Rights Commission (Web Page, 14 October 2024) <<https://humanrights.gov.au/about-us/media-centre/opinion-pieces/opinion-pieces/year-our-voice-broke-fallout-failed-referendum-0>>.

³⁰ Centre for Indigenous People and Work, Gari Yala 2 (*Speak the Truth*): Centring the Work Experiences of Aboriginal and/or Torres Strait Islander Australians in 2025–2026 (Report, 2026) <https://www.uts.edu.au/contentassets/e9e73dbccc764820846c661df1bb48e9/cipw_uts_gariyala2_fullreport_final.pdf>.

³¹ National Museum Australia, *White Australia Policy* <<https://www.nma.gov.au/defining-moments/resources/white-australia-policy>>.

³² Jehonathon Ben et al, ‘Racism in Australia: A Protocol for a Systemic Review and Meta-analysis’ (2022) 11(47) *Systematic Reviews*.

(vii) Racial empathy gap

This is a phenomenon whereby individuals struggle to empathise with the experiences and pain of First Nations Peoples and other racialised individuals. For example, studies show that some healthcare workers struggle to empathise with “black” patients in comparison to “white” patients which contributes to poor health experiences and outcomes.³³

The impacts of these historical and present-day racist experiences continue to be felt in the Northern Territory, both on institutional and interpersonal levels. The inquest into the death of Kumanjayi Walker provides a mere glimpse into the racism that is deeply entrenched in Northern Territory institutions and the devastating consequences it has on the families of the victims, on First Nations communities, on other racialised individuals and on Territorians as a whole.

Sadly, the death of Kumanjayi Walker is one of several examples of First Nations deaths in custody in the Northern Territory in recent years. The repercussions of this are felt outside custodial setting, in all organisations in the Territory. However, this does not necessarily translate into a robust understanding of why racism occurs and the impacts it can have.

The Australian Human Rights National Anti-Racism Framework Scoping Report 2022 suggested that there is further work to be done to improve racial literacy in Australia, which includes understanding the concept of ‘race’, the history of Australia, the ongoing impact of colonisation and the unique position of First Nations Peoples.³⁴ First Nations individuals have long advocated for truth-telling as foundational to addressing racism, and for reversing the indifference towards and denial of the disenfranchisement they have faced. Partly due to a lack of racial literacy, there is a resulting lack of knowledge and motivation on an interpersonal and organisational level to eradicate the issue.³⁵ Moreover, it is common for First Nations Peoples and other racialised individuals to feel reluctant to discuss race and racism due to the risk of re-traumatisation and the perception that it is unremarkable given the pervasiveness.³⁶ As such, understanding and discussing racism generally and in the context of the Northern Territory is the first step to eradicating it.

³³ Sophie Trawalter, Kelly Hoffman and Adam Waytz, ‘Racial Bias in Perceptions of Others’ Pain’ (2012) 7(11) *National Library of Medicine*.

³⁴ Australian Human Rights Commission, *National Anti-Racism Framing Scoping Report* (Report, 2022) 101-103.

³⁵ Australian Human Rights Commission, *National Anti-Racism Framing Scoping Report* (Report, 2022) 101-103.

³⁶ Vicki Kerrigan et al, ‘If They Help Us, We Can Help Them: First Nations Peoples Identify Intercultural Health Communication Problems and Solutions in Hospital in Northern Australia’ (2024) *Journal of Racial and Ethnic Health Disparities* 1; Debbie Bargallie, Nilmini Fernando and Alana Lentin, ‘Breaking the Racial Silence: Putting Racial Literacy to Work in Australia’ (2022) 47(8) 1532.



(c) Experiences of workplace racism

(i) How racism occurs

Racism and race discrimination in workplaces throughout the Northern Territory can present itself in various forms. Some examples may include:

- An Aboriginal man employed at a childcare centre who was instructed by his manager to speak only English instead of their local language, even though many of the children at the centre also spoke that language. The manager further made dismissive remarks about cultural practices, saying ‘what is it with you mob and your sorry business’.³⁷
- Consciously, or unconsciously dismissing applications for roles due to the name on the resume appearing to be non-English, i.e. Mohamed, Hassan or Haddad.
- An Aboriginal person told their employer that due to kinship rules, they could not be alone with a family member of the opposite sex. The employer then required that person to work independently with that family member and would not approve a third person to be present.
- An Aboriginal council regularly overlooking Aboriginal employees for promotions into leadership roles.
- An employee who is an overseas trained professional, experiencing marginalisation and vilification in the workplace including colleagues making comments like “how did you get your permanent resident visa; I can destroy your career” and made disparaging comments about the employees country of origin and quality of education from their country.
- Targeting non-English speaking applicants with visa status as a way of having control of employees.
- A First Nations person being required to pay a monetary deposit for accommodation, when his Caucasian colleagues were not required to pay any deposit.
- A First Nations person being asked to join a panel to provide a First Nations perspective. The person was named in acknowledgement but none of her recommendations were included in the report.
- A First Nations person made a sexual harassment complaint for conduct by another First Nations person that occurred at the Christmas party. The workplace did not investigate because they did not want to get involved in ‘cultural issues’.
- A potential employee received a phone call from the employer who left a voice message indicating they would like to invite the applicant for an interview. When the applicant returned the call the HR manager noted the applicant’s accent and asked about their visa status and working rights.

These examples of racism range from interpersonal racism to systemic or internalised forms of racism.

³⁷ Northern Territory Anti-Discrimination Commission, ‘Annual Report 2024/2025’ (Report, 30 September 2025) <https://adc.nt.gov.au/_data/assets/pdf_file/0007/1563199/FINAL-ADC-2024-2025-Annual-Report.pdf>.

A. Interpersonal racism

Interpersonal racism occurs during interactions between individuals and can include making negative comments about a particular ethnic group in person or online, using racist slurs, denying someone a rightful entitlement and/or bullying, hassling or intimidating others because of their race. Interpersonal racism can range from overt to subtle, and it can be conscious to unconscious.

Overt racism is more easily identifiable, involving obvious harmful attitudes or behaviours towards First Peoples or other racialised individuals.³⁸ This can include imitating one's accent or jokes based on racial stereotypes and assumptions. This is in contrast to more subtle or casual forms of racism.³⁹ This may present in the form of racial microaggressions seen on a daily basis, such as not accepting a racialised person's statement that they are "from Australia" or making assumptions about someone's English proficiency based purely on the colour of their skin.⁴⁰

Conscious racism occurs where someone is aware of the racist nature of their conduct or behaviour. Unconscious racism occurs when someone is unaware that their conduct or comment is offensive or discriminatory. Even unconscious or unintentional behaviour can constitute racism because it can impact those affected.

B. Systemic racism

Systemic racism refers to the marginalisation and disadvantaging of First Peoples and other racialised individuals on an institutional or structural level caused by the history, ideologies, norms, practices and policies that shape institutions and structures. It describes the way in which institutions and structures fail to provide equal or equitable opportunities for people because of their race or ethnicity. Sometimes groups and organisations may have rules or policies that apply to everyone equally but disadvantage certain groups more in practice.⁴¹ The most recent Northern Territory Public Sector Survey which provides sector-wide workplace data, found that in 2025, 669 NT public sector employees reported experiencing racism in their organisation in the previous 12 months. Of those 46% said a fellow worker was racist towards them, 20% said a group of fellow workers, 19% said their immediate manager or supervisor, and 14% said an executive

C. Internalised racism

Internalised racism is where an individual believes or accepts racist beliefs or misrepresentations directed at their own race or ethnic or cultural group.⁴² This can cause individuals to distance themselves from their community or hide parts of their identity in order to fit in and/or succeed in the workplace. This can negatively impact self-confidence or self-worth, which may also impact willingness to take up career advancement opportunities.

Internalised racism can also lead to 'lateral violence', which is social, psychological or other type of displaced negative behaviour, whether conscious or unconscious, directed at those who belong to the same racial, ethnic or cultural group.⁴³

(d) Who is affected by racism

(i) First Nations Peoples

The Northern Territory is home to a particularly large number of First Nations Peoples, with 61,115 Aboriginal and Torres Strait Islander Peoples representing 26.3% of the Northern Territory population in the 2022 census.⁴⁴ This is in comparison to Australia more broadly where Aboriginal and Torres Strait Islander Peoples make up only 3.2% of the population.⁴⁵

As discussed earlier in this guideline, First Nations Peoples have continued to suffer racism since European colonisation, including but not limited to a lack of recognition as part of the Australian population until the Referendum in 1967, a lack of recognition of their ownership and connection to the land until 1992 and ongoing challenges to recognition of Indigenous rights, poor outcomes in health and education, as well as the overincarceration of First Nations individuals and deaths in custody.

The Gari Yala report (2020) surveyed 1,033 Aboriginal and Torres Strait Islander Peoples in the Australian workforce and found that 38% were treated unfairly as a result of their Indigenous background, 44% had heard racial slurs and 59% experienced racism based on the way they look or should look as an Aboriginal or Torres Strait Islander person.⁴⁶

The most recent Gari Yala report (2026) surveyed 1,158 Aboriginal and Torres Strait Islander Peoples and found that 58% of respondents experience some form of racism at an average frequency of 'very often' to 'sometimes'. The survey reflected that racism was not an isolated or occasional experience, but rather, a recurring feature in the respondents' working lives. While there were small gains, the rate of progress since the initial Gari Yala report is not sufficient, with many employers failing to adopt initiatives which would have led to higher impacts. For example, the most commonly implemented initiative was marking significant dates (at 68%) which, while important, is less associated with lower reported rates of racism, in comparison to other initiatives such as a racism complaint procedure.

³⁸ Sean Elias, 'Racism, Overt' in John Stone et al (eds), *The Wiley Blackwell Encyclopedia of Race, Ethnicity and Nationalism* (John Wiley & Sons, 2015).

³⁹ Adam Z Seet, 'Silenced Realities: The Significance of the "Old Racism" in Contemporary Australian Society' (2018) 42(4) *Journal of Australian Studies* 445.

⁴⁰ Kathomi Gatwiri, 'Racial Microaggressions at Work: Reflections from Black African Professionals in Australia' (2021) 51(2) *British Journal of Social Work* 655.

⁴¹ Chris Cunneen, 'Institutional Racism and (In)Justice: Australia' (2019) 1(1) *Decolonisation of Criminology and Justice* 29; Jehonathon Ben et al, 'Racism in Australia: A Protocol for a Systemic Review and Meta-analysis' (2022) 11(47) *Systematic Reviews*.

⁴² Steven M Sanders et al, 'Internalised Racism and Mental Health: the Moderating Role of Collective Racial Self-Esteem' (2023) 14(11) *Behavioural Sciences* 1003.

⁴³ Yvonne Clark, 'Learning from Community Voices about Lateral Violence and Lateral Empowerment: a Scoping Review of Grey Literature' (2024) 76(1) *Australian Journal of Psychology*.

⁴⁴ Australian Bureau of Statistics, 'Northern Territory: Aboriginal and Torres Strait Islander Population Summary' (Web Page, 1 July 2022) <<https://www.abs.gov.au/articles/northern-territory-aboriginal-and-torres-strait-islander-population-summary>>.

⁴⁵ Australian Bureau of Statistics, 'Australia: Aboriginal and Torres Strait Islander Population Summary' (Web Page, 1 July 2022) <<https://www.abs.gov.au/articles/northern-territory-aboriginal-and-torres-strait-islander-population-summary>>.

⁴⁶ Diversity Council Australia, *Gari Yala (Speak the Truth): Centring the Work Experiences of Aboriginal and/or Torres Strait Islander Australians* (Report, 2020) <<https://www.dca.org.au/research/gari-yala-speaktruth>>.

(ii) Other Racialised Territorians

Other individuals that may be subject to racism in the Northern Territory includes (but is not limited to) migrants, refugees, international students and other people whose first language is not English.

Like above, this racism can be attributed to many sources, including the colonisation of Australia by Europeans and the White Australia Policy. This policy discriminated against people from various backgrounds, including Asian, Middle Eastern and Southern European backgrounds.⁴⁷ In recent years, significant social and geopolitical events like COVID-19 and anti-immigration movements have led to increased racism towards groups such as those from Asian or South Asian backgrounds.⁴⁸

(e) When racism occurs

Race discrimination can impact workers at various stages throughout the employment cycle.

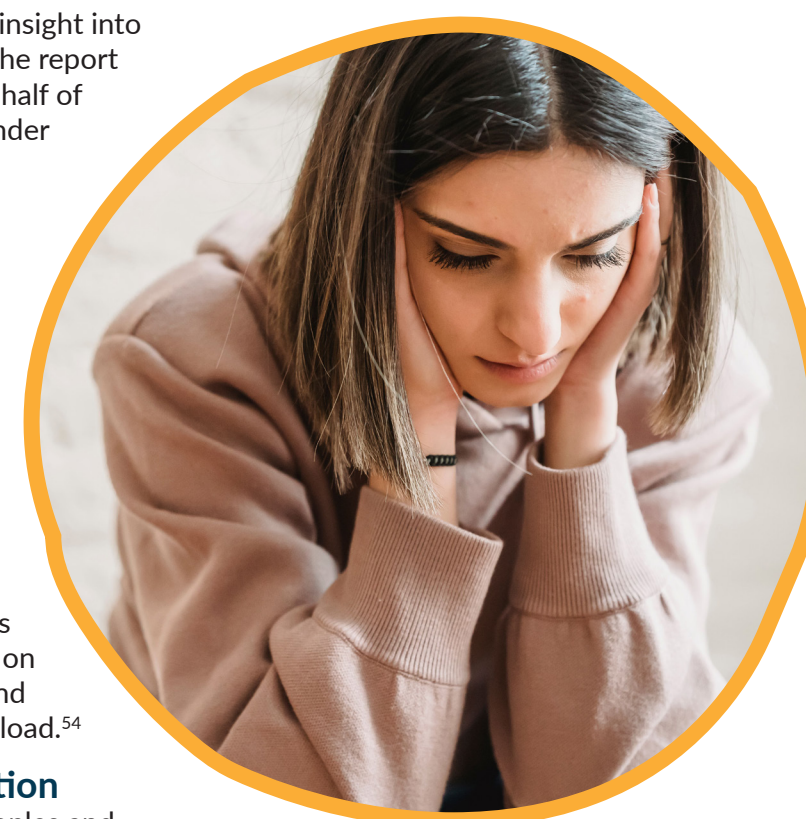
(i) Recruitment

Research has found that, on average, First Nations Peoples and other racialised individuals may need to apply for more jobs than their white counterparts to receive positive responses.⁴⁹ Recruitment policies and procedures can consciously and unconsciously discriminate against racialised individuals in several ways. For example, by requiring applicants to have formal qualifications from Australia or Australian work experience, by preferencing those who may have existing connections in the employing business or those who have Australian accents for customer facing roles or even by drafting job descriptions with complicated and unclear language.

(ii) Remuneration

First Nations Peoples and other racialised individuals continue to earn less on average than their white counterparts,⁵⁰ with First Nations women facing a pay gap as high as 38% compared to the total workforce over a 10-year period.⁵¹ There are various direct and indirect reasons for this pay gap, including the reasons canvassed in this section, such as issues in recruitment, development, promotion and retention. Moreover, First Nations Peoples and other racialised individuals face greater barriers to obtaining the required education for high earning positions, they may receive fewer shifts or overtime, or they may be offered lower skill jobs due to visa issues.⁵²

The Gari Yala Report (2026) provides insight into the impact of unpaid cultural work. The report estimated that over a 50-year career, half of all Aboriginal and/or Torres Strait Islander full-time employees are likely to be working at least an additional year of unpaid work demands.⁵³ The report identified that organisations often encourage First Nations employees to be visible, which frequently results in tokenism and excessive unpaid labour. For example, this may include performing additional, uncompensated tasks such as educating colleagues, managing Reconciliation Action Plans and organising cultural events. The report recommends that organisations consult with First Nations employees on how to minimise their cultural load, and to recognise and remunerate cultural load.⁵⁴



(iii) Development and Promotion

It can be difficult for First Nations Peoples and other racialised workers to gain opportunities for professional development and promotion in the workforce due to intentional racist attitudes or policies or more indirect causes such as a lack of diversity in the leadership levels, fewer opportunities for mentorship, or cultural or language barriers to socialising and building connections, to name a few factors.⁵⁵ The Gari Yala Report (2026) found that 41% of First Nations respondents reported that they sometimes, often or always felt ignored or not taken seriously by their boss.⁵⁶

(iv) Retention

Many organisations experience a low retention of First Nations Peoples and other racialised individuals due to negative or racist experiences in the workplace, lack of organisational response to grievances or fear of victimisation,⁵⁷ a lack of diversity and representation in the leadership levels,⁵⁸ or workers being overlooked for promotions or career development.

⁴⁷ Elizabeth Kefallinos, 'Migration, Integration, Acculturation: Greek-Australian Women Across Generations' (2014) 16/17(A) *Modern Greek Studies* 237.

⁴⁸ Kamp, A et al., *Asian Australians' Experiences of Racism During the COVID-19 Pandemic* (Report, 2021).

⁴⁹ Alison L Booth, Andrew Leigh and Elena Varganova, 'Does Ethnic Discrimination Vary across Minority Groups? Evidence from a Field Experiment' (2012) 74(4) *Oxford Bulletin of Economics and Statistics* 547; Mladen Adamovic and Andreas Leibbrandt, 'Is there is a Glass Ceiling for Ethnic Minorities to Enter Leadership Positions? Evidence from a Field Experiment with over 12,000 Job Applications' (2023) 34(2) *The Leadership Quarterly*.

⁵⁰ Australian Institute of Health and Welfare, 'Income' Aboriginal and Torres Strait Islander Health Performance Framework – Summary Report (Web Page, 2024) <<https://www.indigenoushpf.gov.au/report-overview/overview/summary-report/5-tier-2-%E2%80%93determinants-of-health/income>>; Joseph Lam, 'Non-Anglo Pay Gap Revealed', *The Australian Business Review* (online, 7 April 2023).

⁵¹ Jobs and Skills Australia, *New Perspectives on Old Problems: Gendered Jobs, Work and Pay* (Gender Economic Equality Study Part 1 Report, 2025).

⁵² Elisa Birch and David Marshall, 'Revisiting the Earned Income Gap for Indigenous Australian Workers: Evidence from a Selection-Bias Corrected Model' (2017) 60(3) *Journal of Industrial Relations* 3; Thi Tuey Tran, 'Diversity Climate: Discrimination against Skilled Migrants in Recruitment' (2023) 62(1) *Asia Pacific Journal of Human Resources* 62.

⁵³ Centre for Indigenous People and Work, *Gari Yala 2 (Speak the Truth): Centring the Work Experiences of Aboriginal and/or Torres Strait Islander Australians in 2025-2026* (Report, 2026) <https://www.uts.edu.au/contentassets/e9e73dbccc764820846c661df1bb48e9/cipw_uts_gariyala2_fullreport_final.pdf>.

⁵⁴ Centre for Indigenous People and Work, *Gari Yala 2 (Speak the Truth): Centring the Work Experiences of Aboriginal and/or Torres Strait Islander Australians in 2025-2026* (Report, 2026) <https://www.uts.edu.au/contentassets/e9e73dbccc764820846c661df1bb48e9/cipw_uts_gariyala2_fullreport_final.pdf>.

⁵⁵ See Brigid Trenerry, Kevin Dunn and Yin Paradies, 'Productive Disruptions: Supporting Diversity and Anti-Racism in the Workplace through Multi-Level Organisational Strategies' (2023) 49(1) *Australian Journal of Management* 73; Mladen Adamovic and Andreas Leibbrandt, 'Is there is a Glass Ceiling for Ethnic Minorities to Enter Leadership Positions? Evidence from a Field Experiment with over 12,000 Job Applications' (2023) 34(2) *The Leadership Quarterly*; Christian Eva et al, 'Indigenous Workplace Policies: The Crucial Role of Indigenous Management' (2024) 67(1) *Journal of Industrial Relations* 3.

⁵⁶ Centre for Indigenous People and Work, *Gari Yala 2 (Speak the Truth): Centring the Work Experiences of Aboriginal and/or Torres Strait Islander Australians in 2025-2026* (Report, 2026) <https://www.uts.edu.au/contentassets/e9e73dbccc764820846c661df1bb48e9/cipw_uts_gariyala2_fullreport_final.pdf>.

⁵⁷ Diversity Council Australia, *Gari Yala (Speak the Truth): Centring the Work Experiences of Aboriginal and/or Torres Strait Islander Australians* (Report, 2020) <<https://www.dca.org.au/research/gari-yala-speaktruth>>.

⁵⁸ Sharlene Leroy-Dyer and Kelly Menzel, 'Aboriginal and Torres Strait Islander Inclusion in the Workplace' in Bronwyn Carlson et al (eds), *The Routledge Handbook of Australian Indigenous Peoples and Futures* (Routledge, 2023) Ch 6; Christian Eva et al, 'Indigenous Workplace Policies: The Crucial Role of Indigenous Management' (2024) 67(1) *Journal of Industrial Relations* 3.

The Gari Yala Report (2020) found that an Aboriginal or Torres Strait Islander person who experienced racism was twice as likely to look for a new employer in the following 12 months.⁵⁹ Concerningly, the Gari Yala Report (2026) found that this situation had worsened more recently, with an Aboriginal or Torres Strait Islander person who experienced racism being three times more likely to look for a new employer in the following 12 months compared to culturally safe workplaces.⁶⁰

(f) Where racism occurs

Racism can be experienced at a worker's usual workplace, or any other location where the worker is carrying out work including a client's offices, a location where they are on secondment, or an organisation they are engaged with through a labour hire company.⁶¹ For the purposes of the Positive Duty, "work" is defined to include work carried out in any capacity, including volunteer work, and at any place.⁶²

Racism can occur during ordinary business hours as well as during business trips, training courses, conferences or work-related social activities.

Racism is not limited to particular sectors and is prevalent across all sectors and industries in the Northern Territory.

(g) Impacts of racism

(i) INDIVIDUAL IMPACTS

A. Income

As a result of racism, First Peoples and other racialised groups may receive less pay, fewer career advancement opportunities, work insecure jobs or be more likely to leave or lose their employment. This causes issues such as loss of income which can have cascading impacts on the ability to access housing, education, healthcare, and to care for family members and communities.⁶³

B. Health

Racism can cause both psychological and physical harm to the person or people experiencing it.⁶⁴ Studies show that people subjected to racism experience negative physical health outcomes including an increased prevalence of diabetes, asthma, cardiovascular effects, obesity and chronic disease.⁶⁵ This may be a result of various pathways; for example, First Nations Peoples and racialised individuals may work in jobs with poorer working conditions and lower pay, which can have a direct impact on physical health. They may have restricted or inadequate access to good healthcare



due to overt or institutional racism, or due to living in remote areas. Racism can also have profound negative impacts on psychological health and lead to unhealthy coping behaviours such as alcohol consumption, which further impact physical and psychological health.⁶⁶

An individual subjected to racism is more likely to engage in coping behaviours that are expected to have a negative effect on their physical health including smoking cigarettes and misusing alcohol and other drugs.⁶⁷ Individuals impacted by racism are more likely to disengage with healthy behaviours such as getting adequate sleep, frequent exercise and taking required medications.⁶⁸

In terms of psychological harm, studies demonstrate that targets of racism are more likely to develop anxiety and depression.⁶⁹ Racism also results in a higher suicide risk in young people.⁷⁰ Specifically, one study found that mental health impacts are associated with the volume of one's racist experiences, as opposed to the type of racist incident

⁵⁹ Diversity Council Australia, *Gari Yala (Speak the Truth): Centring the Work Experiences of Aboriginal and/or Torres Strait Islander Australians* (Report, 2020) <<https://www.dca.org.au/research/gari-yala-speaktruth>>.

⁶⁰ Centre for Indigenous People and Work, *Gari Yala 2 (Speak the Truth): Centring the Work Experiences of Aboriginal and/or Torres Strait Islander Australians in 2025-2026* (Report, 2026) <https://www.uts.edu.au/contentassets/e9e73dbccc764820846c661df1bb48e9/cipw_uts_gariyala2_fullreport_final.pdf> 36.

⁶¹ Safe Work Australia, 'Racism' (Web Page) <<https://www.safeworkaustralia.gov.au/safety-topic/hazards/racism>>.

⁶² Anti-Discrimination Act 1992 (NT), s 4 ('work').

⁶³ Australian Institute of Health and Welfare, 'Income', *Aboriginal and Torres Strait Islander Health Performance Framework - Summary Report* (Web Page, 2025) <<https://www.indigenoushpf.gov.au/Report-overview/Overview/Summary-report/5-Tier-2-%E2%80%93-Determinants-of-health/Income>>.

⁶⁴ Safe Work Australia, 'Racism' <<https://www.safeworkaustralia.gov.au/safety-topic/hazards/racism>>.

⁶⁵ Elizabeth A Pascoe and Laura Smart Richman, 'Perceived Discrimination and Health: A Meta-Analytical Review' (2009) 135(4) 531; Cassandra A Okechukwu et al, 'Discrimination, Harassment, Abuse and Bullying in the Workplace: Contribution of Workplace Injustice to Occupational Health Disparities' (2013) 57(5) *American Journal of Industrial Medicine* 573.

⁶⁶ Camila A Kairuz et al, 'Impact of Racism and Discrimination on Physical and Mental Health among Aboriginal and Torres Strait Islander Peoples Living in Australia: A Systematic Scoping Review' (2021) 21 *BMC Public Health* 1302; Cassandra A Okechukwu et al, 'Discrimination, Harassment, Abuse and Bullying in the Workplace: Contribution of Workplace Injustice to Occupational Health Disparities' (2013) 57(5) *American Journal of Industrial Medicine* 573;

⁶⁷ Angelina S Ferdinand et al, 'Mental Health Impacts of Racial Discrimination in Australian Culturally and Linguistically Diverse Communities: A Cross-Sectional Survey' (2015) 15(401) *BMC Public Health* 1. Alison Markwick et al, 'Perceived Racism may Partially Explain the Gap in Health between Aboriginal and non-Aboriginal Victorians: A Cross-Sectional Population Based Study' (2019) 7 *SSM - Population Health*.

⁶⁸ Camila A Kairuz et al, 'Impact of Racism and Discrimination on Physical and Mental Health among Aboriginal and Torres Strait Islander Peoples Living in Australia: A Systematic Scoping Review' (2021) 21 *BMC Public Health* 1302; Cassandra A Okechukwu et al, 'Discrimination, Harassment, Abuse and Bullying in the Workplace: Contribution of Workplace Injustice to Occupational Health Disparities' (2013) 57(5) *American Journal of Industrial Medicine* 573; Angelina S Ferdinand et al, 'Mental Health Impacts of Racial Discrimination in Australian Culturally and Linguistically Diverse Communities: A Cross-Sectional Survey' (2015) 15(401) *BMC Public Health* 1.

⁶⁹ Angelina S Ferdinand et al, 'Mental health impacts of racial discrimination in Australian culturally and linguistically diverse communities: A cross-sectional survey' (2015) 15(401) *BMC Public Health* 1-14.

⁷⁰ Tom Calma, Tanja Hirvonen and Abigail Bray, *Relationship between Systematic Anti-Indigenous Racism and Social and Emotional Wellbeing and Mental Health: Recent National and International Evidence, Policy and Programs* (Report, 2025); Mandy Truong and Edward Moore, *Racism and Indigenous Wellbeing, Mental Health and Suicide* (Report, 2023).

which suggests that all forms of racial discrimination can detrimentally impact someone's mental health. It also found that experiencing racial discrimination in employment within the previous 12 months was more strongly associated with high or very high levels of psychological distress, as opposed to other environments.⁷¹ This is because mental health issues may be partly linked to income inequality, which is associated with differential employment outcomes.

The prevalence of Aboriginal people within the mental health inpatient units in the NT corroborates this finding. Furthermore, data collated by the Community Visitor Program (CVP) on seclusion and mechanical restraint rates in these units routinely identify the dominant culture of people subjected to restrictive practices as Aboriginal and/ or Torres Strait Islander people⁷². In the 2024-2025 reporting cycle, the CVP reported that 79% of people secluded were Aboriginal⁷³ compared to 76% in the 2023-2024 report cycle⁷⁴.

Contrary to this finding are the funded staffing allocations for Aboriginal Mental Health Workers (AMHW) in NT government run mental health services, where priority is given to clinical positions which focus on the western medical model. CVP recommends related AMHW allocations in mental health community teams remain 'open'⁷⁵. The Alice Springs Mental Health Unit has been implementing a Ngangkari program to support Aboriginal people's access to a Ngangkari whilst in the unit. This initiative has been further enhanced by families bringing their own selected Ngangkari to support their loved one's healing journey.

(II) COMMUNITY IMPACTS

We acknowledge that workers directly experiencing racism are not the only ones affected. Aboriginal and Torres Strait Islander Peoples often have kinships and responsibilities towards people in their community, and the impact of workplace racism on income, health, and so forth has far-reaching consequences. Racism can have impacts on the families of immigrants who may live in the country of origin and depend on remittance. Racism and its financial, emotional and health-related trauma can impact generations of families and communities over a long period of time.

⁷¹ Angeline S Ferdinand, Yin Paradies and Margaret Kelaher, 'Mental Health Impacts of Racial Discrimination in Australian Culturally and Linguistically Diverse Communities: A Cross-sectional Survey' (2015) 15 BMC Public Health 401.

⁷² 2024-2025 Community Visitor Program Annual Report Appendix, https://cvp.nt.gov.au/_data/assets/pdf_file/0007/1562749/cvp-annual-report-2024-25-appendix.pdf

⁷³ 2024-2025 Community Visitor Program Annual Report (page 10) https://cvp.nt.gov.au/_data/assets/pdf_file/0008/1562750/cvp-annual-report-2025.pdf

⁷⁴ 2023-2024 Community Visitor Program Annual Report (page 10). <https://cvp.nt.gov.au/resources/publications/annual-reports/cvp-annual-report-2023-2024.pdf>

(III) ORGANISATION IMPACTS

Racism can also impact an organisation's innovation, profit and market share by contributing to staff absenteeism and turnover as well as a loss of morale and productivity.⁷⁵ For example, an individual subjected to racism is more likely to experience mental health concerns which would negatively impact their workplace efficiency.⁷⁶ Similarly, an individual subjected to racism is more likely to reduce their hours, take time off work and make workers compensation claims.

(h) Reports and data

The Commission's Annual Report for 2024/2025 outlined that 12% of all complaints handled by the Commission were in relation to race. This is an increase on previous years.⁷⁷ Of those complaints, 28% were in relation to work, with 54% made against private enterprise, 42% against the public sector and 4% against individuals. Of all complaints made in relation to race in the workplace, 68% were made by First Nations people and 17% by people from a non-English speaking background (excluding First Nations people).

However, it is unlikely that this truly captures the level of racism in Northern Territory workplaces due to the numerous barriers to reporting.

Internal barriers include:

- limited understanding by workers of their workplace rights in relation to racism;
- normalisation of racism in the workplace;
- lack of confidence that reporting will lead to meaningful change;⁷⁸
- lack of knowledge around complaint procedures;
- the emotional burden of lodging formal complaints;
- a desire to reject narratives of powerlessness and victimhood; and
- cultural expectations around how such incidents should be handled.

There are also external barriers to reporting, including:

- no safe and accessible ways for workers to report racism;
- fear of potential negative consequences of reporting (e.g. discriminatory behaviour will continue or worsen, worker will not be believed, worker will be seen as difficult, relationship with colleagues impacted etc);⁷⁹
- remoteness of the workplace and lack of access to relevant resources;
- language and technological barriers;
- administrative and financial burden of the complaints process.

As a result of these barriers, the complaints data on racial discrimination in the workplace is expected to be significantly understated in comparison to the actual level of racial discrimination experienced. Important data on the pervasiveness of racial discrimination in workplaces is critical because it helps the Commission target specific areas and workplaces with higher levels of complaints, to understand the reason for racism in any given context and take steps to eliminate the conduct.

⁷⁵ Diversity Council Australia, 'We Need to Talk about Racism at Work' (Web Page, 2022) <<https://www.dca.org.au/news/opinion-pieces/we-need-talk-about-racism-work>>; Orlando C Richard, Maria del Carmen Triana and Mingxiang Li, 'The Effects of Racial Diversity Congruence between Upper and Management and Lower Management on Firm Productivity' (2021) 64(5) Academy of Management Journal 1355.

⁷⁶ Diversity Council Australia, 'We Need to Talk about Racism at Work' (Web Page, 2022) <<https://www.dca.org.au/news/opinion-pieces/we-need-talk-about-racism-work>>.

⁷⁷ Northern Territory Anti-Discrimination Commission, 'Annual Report 2024/2025' (Report, 30 September 2025) <https://adc.nt.gov.au/_data/assets/pdf_file/0007/1563199/FINAL-ADC-2024-2025-Annual-Report.pdf>.

⁷⁸ Mario Peucker, Tom Clark and Holly Claridge, 'Mapping the Journey of (non-) Reporting in Response to Racism: A Change-orientated Approach to Reporting Barriers, Motives and Support Needs' (2024) 45(3) Journal of Intercultural Studies 473.

⁷⁹ Safe Work Australia, 'Racism' (Web Page) <<https://www.safeworkaustralia.gov.au/safety-topic/hazards/racism>>.



2.2 Understanding the law on workplace racism

(a) Racial discrimination in the workplace

The Anti-Discrimination Act expressly prohibits discrimination against another person based on their race in the area of work.⁸⁰

“Work” is defined broadly to include work carried out in any capacity and at any place, including as an employee, a contractor or subcontractor, employee of a contractor or subcontractor, employee of a labour hire company, an outworker, an apprentice or trainee, a student or other person gaining work experience, a volunteer, a statutory appointee, any person who is part of a vocational training program, other occupation training or retraining program or any person who is a person of a prescribed class.⁸¹

Specifically, a person must not discriminate against workers or prospective workers:

- in deciding who should be offered work;
- in the terms and conditions of the work that is offered or in any variation of the same;
- in failing or refusing to offer work;
- by failing or refusing to grant a person seeking work access to a guidance program, vocational training program or other occupational training or retraining program (or in developing the scope or range of the aforementioned programs);
- by failing or refusing to grant, or limiting, access to opportunities for promotion, transfer, training or other benefit to a worker;
- in dismissing a worker; or
- by treating a worker less favourably in any way in connection with work.⁸²

“Race” is defined under the Anti-Discrimination Act to include the nationality, ethnic or national origin, colour, descent or ancestry of a person, and whether they are or have been an immigrant.⁸³

Discrimination can occur even where a person treats or proposes to treat another person less favourably because they merely believe that another person belongs or belonged to a particular race or that the person has or had a characteristic that is said to appertain to that race or a characteristic that is said to appertain generally to persons of that race.⁸⁴ A person’s motive is irrelevant to whether a discriminatory act has occurred.⁸⁵

Harassment on the basis of race at work is also discrimination under the Anti-Discrimination Act.⁸⁶

Direct racial discrimination occurs when a person is treated less favourably than another person in a similar situation because of their race or because of an attribute imputed to appertain to that race or generally to persons of that race.⁸⁷

⁸⁰ Anti-Discrimination Act s 19; s 31.

⁸¹ Anti-Discrimination Act s 4.

⁸² Anti-Discrimination Act s 31.

⁸³ Anti-Discrimination Act s 4.

⁸⁴ Anti-Discrimination Act s 20(2).

⁸⁵ Anti-Discrimination Act s 20(4).

⁸⁶ Anti-Discrimination Act s 20(1)(b).

⁸⁷ Anti-Discrimination Act s 20(2).



For example, an employer would be engaging in discrimination if they refused to hire a suitably qualified First Nations applicant for a position and instead hired a less qualified Caucasian applicant because they believed that the former would be a less reliable worker.

It is unlawful under the *Racial Discrimination Act 1975* (Cth) to engage in indirect racial discrimination in the area of work. Indirect racial discrimination occurs when an employer puts in place an unreasonable condition, requirement or practice that applies to everyone but actually disadvantages some people because of their race.⁸⁸

For example, an employer would be engaging in indirect discrimination if they prohibited all workers from wearing headwear at work because this may have a disproportionate impact on people from certain racialised groups whose culture may frown upon an individual not using their headwear. Under the Anti-Discrimination Act, this would likely be a failure of the workplace to comply with their duty to accommodate a special need that someone has because of their race or religious beliefs.

⁸⁸ Australian Human Rights Commission, ‘Racial discrimination’ <<https://humanrights.gov.au/our-work/sex-discrimination/racial-discrimination>>

Systemic discrimination means the behaviour, practices, policies or programs of an organisation or Agency that have the effect of creating or perpetuating disadvantage for a group that shares a protected attribute,⁸⁹ such as race. The Anti-Discrimination Act allows an organisation or body to make a complaint in relation to systemic discrimination.⁹⁰ Where a group of workers feel that they are being discriminated against on the basis of race, together they, or a credible organisation, can make a representative complaint alleging systemic discrimination.⁹¹ For example, a ban on headwear at the workplace may impact a whole group of workers, who can then, together, or through a representative body, make a representative complaint alleging systemic discrimination.

Workers may simultaneously face discrimination on the basis of other attributes, such as disability, religious belief or gender identity. The Anti-Discrimination Act prohibits discrimination on the basis of 24 protected attributes, including race. The term 'intersectional' describes the way in which multiple issues may overlap or intersect and compound.⁹²

For discrimination to occur, it is not necessary that the attribute (e.g., race) is the sole or dominant ground for the less favourable treatment, nor is it necessary that the person who discriminates regards the treatment as less favourable.⁹³

The Commission recognises the negative impact of intersectionality by allowing a complaint to contain more than one allegation of prohibited conduct or systemic discrimination and adopting an intersectional lens when assessing complaints.⁹⁴

(b) Who is liable?

(i) Individual Liability

An individual, such as another worker, can be held liable for discrimination under the Anti-Discrimination Act, but it is often the employer who is held liable in practice due to their financial capabilities to compensate the wronged worker and their ability to implement systemic changes to rectify the action.

Nevertheless, the discriminating worker may be subject to disciplinary action by their employing organisation as a result of their conduct.

(ii) Vicarious Liability

An employer may be found to be vicariously liable for discrimination if a worker or someone acting as an agent for the organisation engages in unlawful racial discrimination in connection with work, unless it can be shown that the employer took all reasonable steps to prevent the worker or agent from engaging in such unlawful behaviour.⁹⁵

⁸⁹ Anti-Discrimination Act s 4.

⁹⁰ Anti-Discrimination Act s 60(c).

⁹¹ Anti-Discrimination Act s 62A.

⁹² Kimberlé Crenshaw, 'Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Anti-discrimination Doctrine, Feminist Theory and Anti-racist Politics' (1989) (1) University of Chicago Legal Forum 139.

⁹³ Anti-Discrimination Act s 20(3).

⁹⁴ Anti-Discrimination Act s 63.

⁹⁵ Anti-Discrimination Act s 105(1)-(2).

In determining whether an employer has taken all reasonable steps, the Commission will consider various matters, including:

- the provision of anti-discrimination training;
- the development and implementation of an equal employment opportunity management plan;
- the publication of an anti-discrimination policy;
- the employer's financial circumstances; and
- the number of workers and agents of the organisation.⁹⁶

If an employer is found to be vicariously liable, they will be deemed legally responsible for the discrimination and may need to contribute to any compensation required to be paid to the worker. The amount of compensation an employer is required to pay will be impacted by the steps that they took to prevent the unlawful conduct.⁹⁷



(c) Lawful Discrimination

The Anti-Discrimination Act permits discriminatory conduct in the area of work in specific circumstances. Below are examples of a number of the exemptions contained in the Anti-Discrimination Act.

(i) Exemptions specific to work

A duty holder may discriminate against another person in the area of work:

- by fixing reasonable terms and conditions if the other person, because of their age or disability, has a restricted capacity to do the work;⁹⁸
- if the discrimination is based on:
 - o a genuine occupational qualification which the other person is required to fill; or
 - o the other person's inability to adequately perform the inherent requirements of the work even where the special need of the other person has been or were to be accommodated.⁹⁹

An example of this is an organisation recruiting for an Aboriginal Liaison Officer whose role includes providing cultural authority and guidance to Aboriginal communities, accessing culturally significant sites and information, and engaging with Elders and Traditional Owners on behalf of the organisation. To perform these functions effectively, the person must be recognised as Aboriginal by the communities they work with. In these circumstances, being Aboriginal may be an inherent requirement of the role. An applicant who is not Aboriginal could lawfully be unsuccessful because they cannot meet that genuine inherent requirement.

⁹⁶ Anti-Discrimination Act s 105(3).

⁹⁷ Anti-Discrimination Act s 105(4)(b).

⁹⁸ Anti-Discrimination Act s 35(1)(a).

⁹⁹ Anti-Discrimination Act s 35(1)(b).

Other relevant exemptions in relation to the area of work include but are not limited to:

- A person may discriminate in offering work where the work is to be performed in the person's home.¹⁰⁰
- A person may discriminate in deciding who should be offered work, failing or refusing to offer work or in the terms and conditions of work that is offered, if the discrimination is reasonable, justifiable and proportionate in the circumstances.¹⁰¹

(ii) General exemptions

The Anti-Discrimination Act also contains the following general exemptions to unlawful discrimination:

- Where a discriminatory act is done that is necessary to comply with, or is specifically authorised by, amongst other things, legislation of the Northern Territory or Commonwealth, an order/award of a Court or Tribunal, or of the Commissioner, an industrial agreement, or guidelines or codes of practice or advice given by the Commissioner.¹⁰² However, if there is discretion as to the manner in which legal duties under other legislation, agreements, guidelines or orders can be complied with or carried out which offer a choice between discrimination and no discrimination, the adoption of discriminatory means would be afforded no protection by this exemption.¹⁰³

For example, Commonwealth legislation may state that only those with Australian citizenship can be considered for certain Australian Public Service jobs to ensure a strong connection and commitment to the nation, its values and its interests as well as for national security and accountability.

- Where a person is discriminated against in a special measures program, plan or arrangement designed to promote equality of opportunity for a group of people who are disadvantaged or have a special need because of their race, until that equality of opportunity has been achieved.¹⁰⁴

For example, an organisation with a low population of Aboriginal or Torres Strait Islander workers can insist on advertising for and recruiting only Aboriginal or Torres Strait Islander candidates in order to address this diversity issue. Non-Aboriginal individuals whose applications are denied may not be able to claim that the employer has engaged in discrimination against them.

- Where a discriminatory act is done in relation to the selection, education, training, ordination or appointment of leaders of religious bodies or if the selection or appointment of people to perform functions in relation to, or otherwise participate in, any religious observance or practice.¹⁰⁵

For example, in a Korean church, the church may seek to appoint a Korean priest.

There are a range of further exemptions in the Act including (but not limited to) those that relate to legal incapacity, amongst others.¹⁰⁶

In addition to the above exemptions to unlawful discrimination, a person is entitled to apply to the Commissioner for an exemption in respect of discriminatory conduct that would otherwise contravene the Anti-Discrimination Act.¹⁰⁷

¹⁰⁰ Anti-Discrimination Act s 35(2).

¹⁰¹ Anti-Discrimination Act s 35A.

¹⁰² Anti-Discrimination Act s 53.

¹⁰³ *Waters & Ors v Public Transport Corporation (1991) 173 349 at 389-390.*

¹⁰⁴ Anti-Discrimination Act s 57.

¹⁰⁵ Anti-Discrimination Act s 51.

¹⁰⁶ Anti-Discrimination Act pt 5.

¹⁰⁷ Anti-Discrimination Act s 59.

(d) Other forms of unlawful conduct

The Anti-Discrimination Act prohibits other forms of conduct, which may relate to race, including each of the following:

(i) Inciting hatred, serious contempt or severe ridicule because of a protected attribute

A person must not do an act that:

- is reasonably likely, in all the circumstances, to incite hatred towards, serious contempt for or severe ridicule of, another person or a group of people; and
- is done because of an attribute (for example, race) of the other person or of some or all of the people in the group.¹⁰⁸

The above prohibition does not apply to an act done in private. An act is taken not to be done in private if it:

- causes words, sounds, images or writing to be communicated to the public;
- is done in a public place; or
- is done in the sight or hearing of people who are in a public place.¹⁰⁹

A public place includes any place to which the public have access as of right or by invitation, whether express or implied and whether or not a charge is made for admission to the place.¹¹⁰

There are exemptions to the above prohibition. The above prohibition does not prevent anything said or done reasonably and in good faith:

- in the performance, exhibition or distribution of an artistic work; or
- in the course of any statement, publication, discussion or debate made or held for any genuine academic, artistic or scientific purpose or any other genuine purpose in the public interest; or
- in making or publishing:
 - o a fair and accurate report of any event or matter of public interest; or
 - o a fair comment on any event or matter of public interest, if the comment is an expression of a genuine belief held by the person making the comment.¹¹¹

¹⁰⁸ Anti-Discrimination Act s 20A(1). The protected 'attributes' are listed in s 19(1).

¹⁰⁹ Anti-Discrimination Act ss 20A(2), 20A(3).

¹¹⁰ Anti-Discrimination Act s 20A(4).

¹¹¹ Anti-Discrimination Act s 20B.

(ii) Victimisation

Victimisation takes place if a person subjects or threatens to subject another person or an associate of the person to any detriment.¹¹²

A person shall not victimise another person because the other person:

- has made or intend to make a complaint under Part 6 of the Anti-Discrimination Act;
- has given, or intend to give, evidence or information in connection with proceedings under the Anti-Discrimination Act;
- has alleged, or intends to allege, that a person has committed an act which would amount to a contravention of the Anti-Discrimination Act (unless it applies to or is in relation to an allegation that is false and not made in good faith); or
- has done anything in relation to a person under or by reference to the Anti-Discrimination Act.¹¹³

For example, where a worker alleges in good faith that their co-workers made racist jokes in the workplace, and that worker is subsequently overlooked for an upcoming promotion because 'they did not fit in with the company culture', this may be considered victimisation, if the reason for overlooking the worker was because of the allegations.

(iii) Racial discrimination and risks of sexual harassment

All individuals are prohibited from sexually harassing another person.

- subjects another person to an unwelcome act of physical intimacy; or
- makes an unwelcome demand or request (whether directly or by implication) for sexual favours from the other person; or
- makes an unwelcome remark with sexual connotations; or
- engages in any unwelcome conduct of a sexual nature;

and

- if that person does so:
 - with the intention of offending, humiliating or intimidating the other person; or
 - in circumstances where a reasonable person would have anticipated the possibility that the other person would be offended, humiliated or intimidated (taking into consideration relevant circumstances such as race and other criteria outlined in the Anti-Discrimination Act); or
- that other person is, or reasonably believes they are likely to be, subjected to some detriment if they object to the act, demand, request, remark or conduct.¹¹⁴

Studies show that an individual who is subjected to racial discrimination is more likely to be at risk of sexual harassment. For example, the Australia's National Research Organisation for Women's Safety reported that 46% of migrant or refugees surveyed had experienced sexual harassment in the workplace.¹¹⁵ Similarly, a survey by the Australian Human Rights Commission found that 56% of Aboriginal and Torres Strait Islander People had experienced workplace sexual harassment in the last five years, in comparison to 33% of all people.¹¹⁶

¹¹² Anti-Discrimination Act s 23(2).B.

¹¹³ Anti-Discrimination Act s 23.

¹¹⁴ Anti-Discrimination Act s 22.

¹¹⁵ Marie Segrave et al, 'Migrant and Refugee Women in Australia: A Study of Sexual Harassment in the Workplace' (Research Report, Issue 6, Australia's National Research Organisation for Women's Safety, 6 August 2023).

¹¹⁶ Australian Human Rights Commission, *Time for Respect: Fifth National Survey on Sexual Harassment in Australian Workplaces* (Survey Report, 2022).

(iv) Discriminatory advertising

A person, including an employer, cannot publish, cause to be published or authorise the publication of an advertisement which promotes or expresses or could reasonably be understood to promote or express prohibited conduct (which includes race discrimination and victimisation, amongst other things) or an intention to engage in prohibited conduct.¹¹⁷

For example, subject to the exemptions available in the Anti-Discrimination Act, an employer cannot authorise a job advertisement requesting all applicants to be Caucasian.

(v) Discriminatory requests for unnecessary information

A person, including an employer, cannot ask another person, whether orally or in writing, to supply information on which unlawful discrimination may be based, unless:

- the request is necessary to comply with, or is specifically authorised by a law of the Territory or the Commonwealth (amongst other carve outs); or
- the person proves, on the balance of probabilities, that the information was reasonably required for a purpose that did not involve discrimination¹¹⁸.

For example, it may be unlawful for an employer, through a job application, to request a photo of the applicant upon which they can identify their race and discriminate against them on that basis by declining to interview them for the position.

(vi) Aiding racial discrimination

It is unlawful for any person, including an employer, to cause, instruct, induce, incite, assist or promote another person to contravene the Anti-Discrimination Act (such as by engaging in racial discrimination). Any person involved in aiding racial discrimination may also be liable for the contravention.¹¹⁹

For example, subject to the exemptions available in the Anti-Discrimination Act, it is unlawful for a manager or supervisor to recommend to their organisation that only individuals of a particular race be interviewed for a position within their team.



¹¹⁷ Anti-Discrimination Act s 25.

¹¹⁸ Anti-Discrimination Act s 26.

¹¹⁹ Anti-Discrimination Act s 27.

(vii) Duty to accommodate a special need

A person, including an employer, must reasonably accommodate a special need that another person, including an employee, has because of an attribute (including race).

Reasonable accommodation of a special need:

- means making adequate or appropriate provision to accommodate the special need; and
- takes place where a person acts in a way that reasonably provides for the special need of another person who has the special need because of an attribute.

Whether a person reasonably provided for the special need depends on all relevant circumstances, including but not limited to:

- the nature of the special need;
- the cost of accommodating the special need and the number of people who would benefit or be disadvantaged;
- the financial circumstances of the person;
- the disruption that accommodating the special need may cause; and
- the nature of any benefit or detriment to all persons concerned.¹²⁰

For example, an international accounting firm worker who speaks English as their second language may request an accredited interpreter when dealing with certain clients because of their race. Or a First Nations employee may request flexibility to attend Sorry Business or fulfil other important cultural obligations. An employer's refusal to accommodate these would be discriminatory unless they can demonstrate that it is not reasonable.¹²¹

(e) Other relevant legislation

(i) Northern Territory legislation

The *Work Health and Safety (National Uniform Legislation) Act 2011 (NT) (WHS Act)*, imposes a duty of care on a person, such as an employer, to ensure the health and safety of workers, as far as is reasonably practicable, whilst the worker is at work in the business or undertaking.¹²² This includes recognising and managing physical and psychosocial hazards¹²³, which includes discrimination.¹²⁴

The work health and safety duties overlap with the Positive Duty.¹²⁵ This means employers must take steps to comply with their duties under both regimes. Even though preventative measures taken to eliminate the risk of discrimination may go towards showing compliance with both regimes, satisfying the Positive Duty does not equal to complying with work health and safety duties and vice versa. It may then be necessary for employers to take different or additional measures to comply with their work health and safety obligations and with other legislation.

The WHS Act also imposes other duties including workers needing to take reasonable care for their own health and safety and ensuring that their acts or omissions do not adversely affect the health and safety of others, including non-workers.¹²⁶ They must comply, so far as they are reasonably able, with any reasonable instructions given by the employer and cooperate with any reasonable health and safety workplace policies and procedures.¹²⁷

¹²⁰ *Anti-Discrimination Act* s 24.

¹²¹ *Anti-Discrimination Act* s 24.

¹²² *Work Health and Safety (National Uniform Legislation) Act 2011 (NT)* s 19 (*WHS Act*).

¹²³ *WHS Act* s 4 'health', which is defined to include physical and psychological health.

¹²⁴ NT WorkSafe, 'Positive Duty' <<https://worksafe.nt.gov.au/safety-and-prevention/workplace-mental-health/positive-duty>>

¹²⁵ *WHS Act* note for Pt 6, Div 1.

¹²⁶ *WHS Act* s 28(a), (b).

¹²⁷ *WHS Act* s 28(c), (d).



There are also specific provisions in the WHS Act which prohibit a person from engaging in discriminatory conduct (such as dismissing a worker or terminating a contract) for a prohibited reason (for example, because the worker has raised an issue about work, health and safety with another worker).¹²⁸ Such a breach carries a maximum penalty of \$100,000 for individuals and \$500,000 for a body corporate, in addition to other court orders including compensation and re-instatement.

(ii) Commonwealth legislation

The general protections scheme in the *Fair Work Act 2009 (Cth) (Fair Work Act)* prohibits employers from taking adverse action against employees and prospective employees because of their race, colour, nationality or social origin.¹²⁹

The *Racial Discrimination Act 1975 (Cth) (Racial Discrimination Act)* prohibits employers from undertaking particular acts (such as dismissing an employee) against a person because of the employee (or any relative or associate of the employee's) race, colour, descent, national or ethnic origin, or because they are or have been an immigrant. Employees can make complaints about breaches of the *Racial Discrimination Act* to the Australian Human Rights Commission under the *Australian Human Rights Commission Act 1986 (Cth)*.¹³⁰

The *Racial Discrimination Act* overlaps with the *Anti-Discrimination Act* in relation to conduct that is prohibited, including racial discrimination. In determining what type of discrimination claim to raise, subject to certain exceptions and rules around bringing claims in different jurisdictions, an individual working in the Northern Territory who has experienced racial discrimination can bring a claim under the general protections scheme, the *Racial Discrimination Act* or the *Anti-Discrimination Act*. However, the laws apply in different ways, including having different time limits and processes involved. There are also limitations of each regime, and in some instances, making a complaint under one regime prevents you from making a complaint in the other. If you are unsure where to make a complaint you should contact the Commission.

¹²⁸ *WHS Act*, Part 6.

¹²⁹ *Fair Work Act 2009 (Cth)* ss 342(1) Item 1(d), 351 (*FW Act*).

¹³⁰ *Australian Human Rights Commission Act 1986 (Cth)* s 46P (*AHRC Act*).



Positive Duty is ultimately about organisational identity. It is the conscience of an organisation guiding not only the decisions it makes, but also the stories it chooses to tell

3

Positive Duty

From reacting to preventing.

Positive Duty moves organisations beyond responding to complaints after harm occurs. It requires leaders to create workplaces where discrimination is actively prevented through governance, culture and accountability.



3.1 General Guidelines

(a) Overview

The Anti-Discrimination Act requires a person (including employers) to take reasonable and proportionate measures to eliminate race discrimination in the area of work, to the greatest extent possible. This is known as the Positive Duty.

Importantly, the Positive Duty applies to all persons who are prohibited under the Act from engaging in discrimination, sexual harassment or victimisation in the Northern Territory.¹³¹ This includes all businesses and organisations in the Northern Territory, including:

- self-employed individuals;
- sole-traders;
- small businesses;
- volunteers;
- trainees; and
- contractors and subcontractors.

In order to comply with the Positive Duty it is not sufficient to simply respond to complaints of race discrimination in the workplace. Employers are also required to take reasonable and proportionate measures to prevent race discrimination in the workplace in the first place.

Rather than simply focusing on addressing complaints or reports of workplace discrimination after it has occurred, the focus of the Positive Duty is on what employers can do to prevent and eliminate race discrimination to the greatest extent possible.

The Positive Duty also supplements an employer's existing legal obligation under the Anti-Discrimination Act not to discriminate against another person on the ground of a protected attribute (including race).

3.2 What do employers need to do?

To comply with the Positive Duty, employers must take “reasonable and proportionate measures” to eliminate race discrimination in the area of work to the greatest extent possible. In determining whether a measure is reasonable and proportionate the factors that must be considered are:¹³²

- the size of the person's business or operations;
- the nature and circumstances of the person's business or operations;
- the person's resources;
- the person's business and operational priorities; and
- the practicability and the cost of the measure.

¹³¹ Anti-Discrimination Act s 18B(1).

¹³² Anti-Discrimination Act s 18B(3).



No two businesses are alike, and so what would be expected of a business to comply with its Positive Duty obligation may differ depending on the size and resources of the business (amongst other things). For example, the Commission would expect a larger business, with greater resources at its disposal, to design and implement strategies that are more sophisticated than a small business.

Importantly, the measures adopted by an employer must be reasonable and proportionate to achieve the goal of eliminating workplace discrimination ‘to the greatest extent possible’. Employers are encouraged not to simply focus on technical compliance with the Positive Duty but to adopt measures that are best practice to eliminate workplace discrimination. For example, if an employer becomes aware of racism within its workplace, despite already having implemented anti-racism policies, reporting mechanisms and staff training, it should not stop at investigating individual complaints. To the greatest extent possible, it should also identify the underlying causes, review the effectiveness of its existing measures, and strengthen them where necessary to prevent similar conduct from occurring in the future. The Positive Duty is one of continuous improvement. It does not require perfection, nor is it met by simply ‘ticking the box’. Rather, it requires employers to take all reasonable and proportionate steps available to them to eliminate workplace discrimination.

3.3 What happens if an employer does not comply?

The Positive Duty is also not just an expectation or goal; it is an obligation at law under which employers must comply.

The Commissioner has the power to investigate an employer's compliance with the Positive Duty, which may be conducted in any way the Commissioner considers appropriate.¹³³

After the investigation is completed, the Commission may take any action the Commissioner considers appropriate. This includes, but is not limited to:

- taking no further action;
- entering into an enforceable undertaking with the employer; or
- preparing a report that may be given to the Minister and/or published.¹³⁴

The report may include an opinion of the Commissioner about whether compliance with the Positive Duty has occurred and recommendations to address compliance. Amongst other things, this report may be taken into account by the Northern Territory Civil and Administrative Tribunal in relation to an individual complaint (such as a race discrimination complaint) that is referred to the Northern Territory Civil and Administrative Tribunal.

¹³³ Anti-Discrimination Act s 18C.

¹³⁴ Anti-Discrimination Act s 18D.

3.4 Minimum Standards

Diagram Explainer

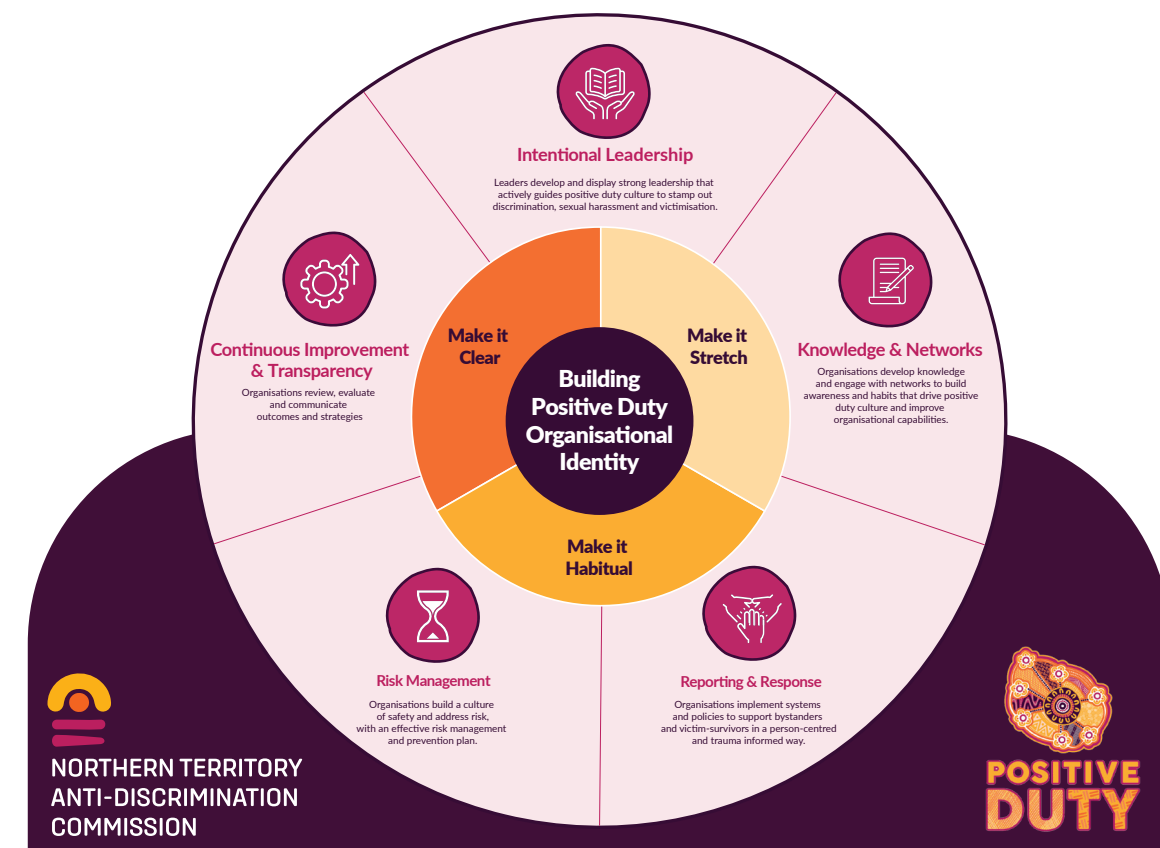
The five Minimum Standards describe what organisations need to do to comply with Positive Duty. The inner wheel describes how organisations can embed those standards into organisational culture. Inspired by behavioural science, the inner wheel recognises that lasting cultural change occurs when Positive Duty is made clear, becomes habitual and continually stretches organisations to learn, improve and lead. Together, these principles help build a Positive Duty Organisational Identity.

The inner-wheel represents key actions that duty-holders should consider to activate the Minimum Standards:

Supporting Principles

- Built-in, not bolted -on
- Equality focused
- Trauma-informed
- Intersectionality-centred
- Cultural literacy focused
- Risk-based
- Strength-based
- Evidence-based

Positive Duty Minimum Standards



MAKE IT CLEAR

Positive Duty begins with clarity.

People cannot embrace what they cannot see or understand. Organisations should make their commitment to Positive Duty visible, intentional and unmistakable. Leaders should consistently communicate that preventing discrimination is a shared organisational responsibility and an expectation of everyone, not simply the responsibility of Human Resources or senior management.

Making Positive Duty clear means embedding it into the language, systems and everyday experiences of the organisation. This may include visible leadership messages, governance documents, induction and onboarding programs, codes of conduct, internal communications, websites, email signatures, policies and workplace signage. It also includes ensuring workers understand how to report concerns and have confidence that concerns will be responded to fairly, respectfully and in a trauma-informed manner.

Clarity builds certainty. When people know what the organisation stands for, what behaviours are expected and where to seek support, Positive Duty becomes part of the organisation's identity rather than simply another compliance requirement.

MAKE IT HABITUAL

Culture is built through habits, not events. Positive duty has the potential of building the emotional intelligence of the organisation which in turn helps with empowering people within the organisation to be positive-duty-confident as well as effective positive duty contributors.

To make it habitual, it must be omnipotent, omniscient and omnipresent which means it is not achieved through a single policy, annual training session or awareness campaign. It becomes effective when respectful, inclusive and accountable behaviours are practised consistently until it becomes the new normal way of working.



MAKE IT HABITUAL Cont.

Organisations should intentionally build Positive Duty into everyday leadership, governance and operational practices. This includes incorporating Positive Duty into team meetings, recruitment, supervision, performance conversations, procurement, decision-making, risk management and professional development. Repetition creates familiarity, and familiarity creates culture.

When Positive Duty becomes habitual, people no longer think of inclusion as something additional to their role. It simply becomes the way the organisation leads, makes decisions and cares for its people.

MAKE IT STRETCH

Positive Duty should extend beyond the workplace and influence the way an organisation leads, governs and contributes to the broader community.

Building an inclusive organisation is not a destination but a process of continuous learning, accountability and improvement. Organisations should challenge themselves to extend Positive Duty beyond minimum compliance by embedding its principles into governance, strategic planning and enterprise-wide decision-making.

Making Positive Duty stretch means recognising that an organisation's influence extends well beyond its own workforce. Organisations can incorporate Positive Duty expectations into procurement policies, supplier contracts, tender evaluations and ethical trading agreements, encouraging suppliers, contractors and business partners to demonstrate the same commitment to preventing discrimination and fostering respectful, inclusive workplaces. In doing so, Positive Duty becomes part of an organisation's value chain, creating broader social impact through responsible supply chain governance.

Stretching Positive Duty also means being transparent about progress. Organisations should consider reporting on Positive Duty initiatives, outcomes and future priorities in annual reports, sustainability reports or other public governance documents. Transparent reporting demonstrates leadership, strengthens public confidence and reinforces organisational accountability.

Organisations should also create meaningful opportunities for workers to shape Positive Duty. This may include establishing employee resource groups, incorporating Positive Duty indicators into employee engagement surveys such as the **People Matter Survey** or equivalent workforce surveys, and regularly seeking feedback on workplace culture, inclusion, psychological safety and experiences of discrimination. Listening to workers and acting on their feedback enables organisations to identify emerging risks, measure progress and continuously strengthen their organisational culture.

Ultimately, organisations that make Positive Duty stretch recognise that leadership extends beyond legal compliance. Positive Duty becomes part of how the organisation governs, procures, reports, partners and listens. It strengthens trust, builds capability and protects the human experience from racialised harm, creating workplaces where every person feels respected, valued and knows they belong.

Minimum Standard Supporting Principles

Built in, not bolted on

Positive Duty is most effective when it is integrated into the way an organisation operates, rather than introduced as a standalone initiative. It should be embedded within governance, strategy, policies, systems, decision-making and organisational culture so that preventing discrimination becomes part of everyday business rather than an additional compliance activity.

Equality and Equity Focused

Positive Duty promotes both equality and equity. Equality ensures that everyone is treated fairly and consistently under the law, while equity recognises that different people may require different levels of support or adjustments to achieve fair and inclusive outcomes. Organisations should strive to remove barriers and create opportunities that enable everyone to participate, contribute and thrive.

Trauma Informed

Experiences of discrimination and racism can have profound and lasting impacts on individuals and communities. Positive Duty should therefore be implemented in ways that recognise the potential impacts of trauma, minimise the risk of re-traumatisation and prioritise safety, dignity, choice, collaboration and trust throughout prevention, reporting and response processes.

Intersectionality Centred

People's experiences of discrimination are shaped by multiple aspects of their identity. Race may intersect with disability, sex, age, sexual orientation, gender identity, religion or other protected attributes to create unique experiences of disadvantage. Organisations should adopt an intersectional approach that recognises these overlapping experiences and avoids one-size-fits-all responses.

Cultural Literacy Focused

Preventing race discrimination begins with understanding. Organisations should invest in building cultural literacy by developing awareness of Australia's history, the ongoing impacts of colonisation, cultural diversity, unconscious bias and the lived experiences of First Nations Peoples and other racialised communities. Cultural literacy strengthens leadership, informs better decision-making and builds workplaces where people feel respected, valued and that they belong.

Risk-Based

Positive Duty requires organisations to proactively identify, assess and manage risks before discrimination occurs. A risk-based approach encourages organisations to examine where race discrimination is most likely to arise, implement reasonable and proportionate controls, monitor emerging risks and continually strengthen preventative measures.



Strength-Based

Positive Duty recognises diversity as an organisational strength. Rather than focusing solely on problems or deficits, organisations should build on the knowledge, lived experience, leadership and cultural strengths of their workforce and communities. Inclusive workplaces are created by recognising people’s capabilities, amplifying diverse voices and fostering environments where everyone has the opportunity to contribute and succeed.

Evidence-Based

Effective prevention is informed by evidence rather than assumption. Organisations should use data, workforce insights, employee feedback, complaints, engagement surveys, lived experience, research and evaluation to understand organisational risks, measure progress and inform continuous improvement. Evidence-based decision-making enables organisations to demonstrate accountability and strengthen Positive Duty over time.

Overview

The Commission will consider compliance with each minimum standard holistically, but organisations will need to meet each of the Standards in order to eliminate the conduct to the greatest extent possible.

For each standard, we identify key expectations, alongside examples of the type of practical actions that duty holders might take to meet those expectations under the standard and satisfy the Positive Duty.

As stated above, duty holders are only required to take steps that are ‘reasonable and proportionate’ to eliminate race discrimination ‘to the greatest extent possible’. This means duty holders will not necessarily need to implement all of the examples listed in the section below. A one-size-fits-all approach is not appropriate, as what will be ‘reasonable and proportionate’ for one duty holder, will not be for another. The Commission will assess compliance holistically and take into account all relevant information.

Duty holders are encouraged to consider the examples listed and the type of actions which will be most effective in their context to deliver meaningful change. Duty holders should also not feel limited to the actions identified below, nor see them as a checklist for compliance with the Positive Duty. Duty holders are encouraged to consider best practice and innovations to best address the risk factors in their organisational context. Duty holders are also encouraged to take an intersectional approach where possible to address race discrimination alongside other forms of discrimination at work.

Please note, these standards have been adapted from the Commissioner’s general minimum standards and tailored to provide specific advice on race discrimination only.

For each minimum standard this guideline outlines:

- key expectations;
- examples of actions to implement the standard; and
- examples of records that should be kept.

Within the context of this guideline:

- a small organisation has fewer than 20 employees;
- a medium organisation has between 20 and 199 employees;
- a large organisation has 200 or more employees.

Case Study

The Gari Yala Report (2026) found that the survey respondents’ organisations typically implemented measures which were less strongly associated with lower reported rates of racism (such as marking significant dates) than other higher impact measures which focus on improving internal policies and practices that shape an employee’s day to day experience (such as implementing anti racism policies and procedures, training and formal indigenous career development programs). It is important that duty holders are comfortable engaging in difficult work such as changing their internal systems, accountability and workplace culture, as opposed to investing in actions that, while important, are less strongly associated with lower reports of workplace racism.¹³⁵

¹³⁵ Centre for Indigenous People and Work, Gari Yala 2 (Speak the Truth): Centring the Work Experiences of Aboriginal and/or Torres Strait Islander Australians in 2025-2026 (Report, 2026) < https://www.uts.edu.au/contentassets/e9e73dbccc764820846c661df1bb48e9/cipw_uts_gariyala2_fullreport_final.pdf>.

Standard 1: Intentional Leadership

 "Leaders develop and display strong leadership that actively guides Positive Duty culture to stamp out discrimination, sexual harassment and victimisation."

Expectations:

Senior leaders:

- model respectful workplace behaviour, set clear expectations and are held accountable for preventing and responding to race discrimination.
- know how to prevent, identify, eliminate and respond to racism in their workplace. They encourage and support bystanders to speak up if they witness or hear about racism in the workplace.
- understand their obligations under the Anti-Discrimination Act and have up to date knowledge about relevant unlawful conduct.
- are responsible for ensuring that appropriate measures are in place for preventing and responding to workplace race discrimination and that these measures are recorded in writing, communicated to employees and implemented.
- are responsible for regularly reviewing measures, updating them for effectiveness and communicating changes to employees.

For the purpose of this standard, a “senior leader” is any person with responsibility for the management and governance of an organisation or business. In a small organisation, this is usually an owner and/or manager. In a medium or large organisation, this may include the board (or equivalent), chief executive officer (CEO), executive leadership team (ELT), partners or executive managers. [organisation, this may include the board (or equivalent), chief executive officer (CEO), executive leadership team (ELT), partners or executive managers.¹³⁶

Size of organisation	Examples of actions:
ALL ORGANISATIONS	• Senior leaders role model respectful workplace behaviour and use inclusive language, as part of a commitment to cultural change and inclusion at work, not just a compliance requirement. • Senior leaders act when they witness racism in the workplace, and encourage and support other bystanders to do the same. • Senior leaders recognise and reward those who engage in positive workplace behaviours which foster inclusion, diversity and respect. • Senior leaders learn about their Positive Duty obligations under the Act and other unlawful conduct as well as keeping up to date with any changes, reforms or industry trends. This may include reading relevant materials from the Commission and other relevant regulators and subscribing to relevant updates. Senior leaders share the benefits of this knowledge with their colleagues. • Senior leaders communicate what constitutes unlawful behaviour under the Positive Duty and that this behaviour will not be tolerated by the organisation. This may involve making statements (either internally or internally) regarding the organisation’s commitment to the Positive Duty at induction or team meetings, speaking with staff, sending emails and/or ensuring the display of relevant posters, notices or brochures at the workplace.
LARGE ORGANISATIONS	
MEDIUM ORGANISATIONS	

¹³⁶This definition is consistent with Australian Human Rights Commission, Guidelines for Complying with the Positive Duty under the Sex Discrimination Act 1984 (Cth) (Report, August 2023) < https://humanrights.gov.au/_data/assets/file/0030/46974/Guidelines-for-Complying-with-the-Positive-Duty-2023.pdf > pg 29.

Size of organisation	Examples of actions:
ALL ORGANISATIONS	• Senior Leaders create or approve a document setting out the measures the organisation will take to meet their obligations under the Positive Duty (for example, a race discrimination prevention plan). Senior leaders ensure the document is implemented and regularly reviewed. • Senior leaders create or approve the organisation’s risk assessment document (see Standard three). Senior leaders ensure the document is implemented and regularly reviewed. • The organisation creates formal and informal avenues to regularly receive feedback about senior leader performance (i.e. feedback box, anonymous surveys, exit interviews). • The organisation ensures that senior leaders face consistent and proportionate consequences if they fail to meet their obligations, or where they are found to have engaged in workplace racism.
LARGE ORGANISATIONS	Senior leaders drive a culture of respect and build organisational capability by: • reinforcing the lessons of anti-racist training and appropriate workplace behaviour in team meetings, supervision and internal communications on policies and practices; • maintaining compliance with Positive Duty obligations as a standing agenda item in senior leadership/board meetings and engaging in regular discussions about incidents reported, actions taken in response and required changes to policies and procedures; • reviewing workplace systems personally and looking for structural barriers or practices that may create racial inequity; • allocating time, resources and budgets to Positive Duty compliance and initiatives; • actively considering information provided by relevant committees within the organisation (such as DEI committees) and attending committee led events and networks associated with championing diversity; and • ensuring that contractual terms are used which require third parties to comply with the organisation’s policy which prohibits workplace racism. Organisations: • hold senior leaders to account by referencing Positive Duty obligations in position descriptions, performance goals, bonus structures, and recruitment and promotion guidelines; • ensure governance frameworks clearly outline the responsibility of senior leaders in addressing workplace racism; and • provide additional training to senior leaders, including information on how to initiate conversations with employees on racism and best practice measures to address worker backlash to anti-racism measures.
MEDIUM ORGANISATIONS	

What is Intentional Leadership and why is it important?

Intentional Leadership involves senior leaders taking deliberate action to create environments where everyone feels respected, included and safe. In the context of the Positive Duty, Intentional Leadership requires senior leaders, by virtue of their position, responsibilities and authority, to take a proactive role to eliminate and prevent racism rather than simply reacting when it occurs. This means making intentional decisions about the amount of effort, resources and time that an organisation or business puts in to ensure compliance with the Positive Duty.

Senior leaders are responsible for the overall vision, culture, direction and decision-making of their organisation. This means that regardless of the size of the organisation, senior leaders are critical in ensuring that their organisation is fulfilling its Positive Duty.

Intentional leadership is about stewardship and pride in leadership, rather than based on fear of non-compliance. When senior leaders act with purpose and commitment, organisations are better positioned to meet their Positive Duty obligations and create environments where racial discrimination and racism are not tolerated.

Guide for Bystanders

An anti-racism policy should include:

- a statement that racism is unacceptable and that the employer is committed to providing employees with a safe working environment
- a statement that sets the standard of behaviour that all employees and others in the workplace (such as clients or contractors) are expected to meet
- a statement confirming that the employer has a legal obligation to eliminate discrimination and victimisation
- a definition of race discrimination with reference to the Equal Opportunity Act and examples of racism tailored to the organisation
- an acknowledgement that viewing whiteness as the norm is a driver of race discrimination
- consequences if the policy is not complied with, including any disciplinary action that may be taken if race discrimination or racism is found to have occurred
- how and where to report race discrimination and racism (including references to external regulators such as the Victorian Equal Opportunity and Human Rights Commission)
- a statement confirming that the safety and wellbeing of the person disclosing or formally reporting race discrimination are the employer’s priority
- information about confidentiality and privacy in reporting
- information about external organisations that can provide advice, information and support on racism and race discrimination
- when the policy will be reviewed

SOURCE: Victorian Equal Opportunity and Human Rights Commission. Guideline: Race Discrimination in the Workplace.

The Victorian Equal Opportunity and Human Rights Commission has developed a helpful [guideline for bystanders of racism in the workplace](#) that organisational leaders can use or refer to when dealing with witnessing racism in the workplace.



Record keeping

The below is a non-exhaustive list of the type of records an organisation might keep to demonstrate compliance with this standard:

- race discrimination prevention plan;
- board or executive meeting minutes;
- communications from senior leaders regarding respect in the workplace;
- induction, briefing or handover notes for all new leadership staff;
- strategic planning documents regarding resource allocation to relevant initiatives;
- copies of contractual terms with third parties regarding racism and race discrimination;
- evidence of relevant terms in relevant documents (for example, position descriptions, performance goals, bonus structures, recruitment and promotion guidelines);
- copies of training given to senior leaders.

Standard 2: Knowledge & Networks

 *“Organisations develop knowledge and engage with networks to build awareness and habits that drive Positive Duty culture and improve organisational capabilities.”*

Expectations:

- Organisations are appropriately trained in identifying racism and understand that racism is widespread and can be subtle.
- Organisations understand the key drivers, risk factors and impacts of racism, and understand what constitutes race discrimination under the Anti-Discrimination Act and their Positive Duty obligations.
- Organisations develop, communicate and implement a policy regarding workplace racism and race discrimination. Workers receive training on, are aware of, and can readily access, policies and procedures related to racism.
- Organisations appropriately leverage industry specific knowledge and networks to share best practice guidance regarding the Positive Duty

Size of organisation	Examples of actions:
ALL ORGANISATIONS	- Develop and implement a policy regarding workplace racism and race discrimination. The policy should define racism, outline requirements of the Positive Duty; prohibit race discrimination in the workplace; contain behavioural expectations for employees and other relevant workers; and detail consequences for non-compliance. - Develop and implement procedures and systems to support the policy, such as a clear reporting and response procedure. - Review relevant policies and procedures annually and after a significant incident. - Communicate with workers about relevant policies, procedures and systems and ensure workers know how to access the materials, including outside of business hours. - Require workers to attend compulsory training modules on the above policy, anti-racism, inclusiveness, how to be an active bystander and the Positive Duty as part of onboarding and annual training. Content should include the drivers of racism, contributing factors and the worker's role in prevention and response, and recognise the intersectional experiences of workers. - Consult with workers when developing policies, procedures or systems which relate to workplace racism. - Supplement anti-racism education with other high quality learning opportunities and materials which is tailored to the organisation and employee's context (for example, notices on notice boards, fact sheets regarding disrespectful behaviour and agenda items regarding the role of all workers in creating a positive workplace culture). - Build good relationships with other organisations in similar industries to share and leverage knowledge and resources (such as best-practice policies, information sheets and anti-racism training modules).
LARGE ORGANISATIONS	- Subscribe to updates from regulators and peak bodies to keep up to date with any changes to law and best practice. - Establish systems to monitor and communicate developments in anti-racism, equal opportunity law and best practice across the workplace. - Create and/or become involved in groups and committees within the organisation which champion diversity and are incentivised for the same. This may include safe and informal spaces or opportunities for workers to speak up (for example, roundtables, listening sessions, panel discussions held in connection with key workplace or cultural occasions or events (eg National Sorry Day). - Ensure appropriate mentorship and support is provided to First Nations Peoples and other racialised individuals. This may include facilitating access to industry-specific diversity programs or committees. - Create and/or facilitate racial diversity and/or inclusion committees within the organisation and reward participation in these groups.
MEDIUM ORGANISATIONS	

What is Knowledge & Networks and why is it important?

Knowledge and Networks refers to the information, education and relationships (both internal and external) that organisations hold which strengthen their capability to prevent racial discrimination and meet their Positive Duty obligations.

Knowledge and Networks are important because the Positive Duty requires proactive, not just reactive, action. Organisations cannot prevent racial discrimination without understanding its causes, impacts and how it shows up within their organisation.

Broadly speaking, there are three aspects to this standard:

- developing knowledge;
- engaging with and leveraging knowledge from relevant networks; and
- using this knowledge to inform the organisation's steps to meet the Positive Duty.

Developing knowledge means understanding the organisation's responsibilities under the Positive Duty, including key concepts as they relate to workplace racism (such as racial bias and cultural safety) and the specific risk factors present within an organisation. Effective education plays a key role in building an organisation's knowledge about their legal obligations and fosters a respectful workplace culture (including by setting parameters regarding acceptable conduct and expectations for how complaints will be dealt with).

Engaging with networks and leveraging knowledge involves engaging with communities and groups both within the organisation (for example, this may include diversity and inclusion committees) and externally (for example, connecting with experts, peak bodies and organisations in the same or similar industries) to share and learn from each other's resources, learnings and best practices.

An organisation's internal networks among workers can create safe spaces to discuss shared experiences related to workplace racism, which embeds the Positive Duty in the workplace culture. An organisation's external networks can expand its perspectives beyond internal assumptions, while also sharing resources to comply with the Positive Duty. Through strong knowledge and active networks, organisations build awareness, improve capability, and ensure their actions are aligned with best practice expectations.

AN ANTI-RACISM POLICY SHOULD INCLUDE:

- a statement that racism is unacceptable and that the employer is committed to providing employees with a safe working environment
- a statement that sets the standard of behaviour that all employees and others in the workplace (such as clients or contractors) are expected to meet
- a statement confirming that the employer has a legal obligation to eliminate discrimination and victimisation
- a definition of race discrimination with reference to the Equal Opportunity Act and examples of racism tailored to the organisation
- an acknowledgement that viewing whiteness as the norm is a driver of race discrimination
- consequences if the policy is not complied with, including any disciplinary action that may be taken if race discrimination or racism is found to have occurred
- how and where to report race discrimination and racism (including references to external regulators such as the NT Anti-Discrimination Commission)
- a statement confirming that the safety and wellbeing of the person disclosing or formally reporting race discrimination are the employer's priority
- information about confidentiality and privacy in reporting
- information about external organisations that can provide advice, information and support on racism and race discrimination
- when the policy will be reviewed

SOURCE: Victorian Equal Opportunity and Human Rights Commission. Guideline: Race Discrimination in the Workplace.

The Victorian Equal Opportunity and Human Rights Commission website contains various resources, including:

- [Guide: Developing a workplace anti-racism policy](#)
- [Guide: Developing a workplace race discrimination prevention plan'](#)

Record Keeping

The below is a non-exhaustive list of the type of records an organisation might keep in order to demonstrate compliance with this standard:

- An anti-racism policy (addressing the components outlined above) and other inclusion related policies such as those addressing cultural leave;
- A clear reporting and response policy;
- Anti-racism training materials, attendance records and the qualifications of training providers;
- Meeting notes, consultation notes and staff communication records.

Standard 3: Risk Management



"Organisations build a culture of safety and address risk with an effective risk management and prevention plan."

Expectation:

- Organisations recognise that workplace racism is an equality risk and a health and safety risk. They take a risk-based approach to prevention and response, which includes regularly identifying and assessing risk; implementing effective control measures; reviewing control measures and making adjustments where required.
- Organisations undertake a risk assessment, in consultation with relevant workers, which specifically considers workplace racism, the steps taken to prevent racism and document these steps in plans, policies and procedures.
- Organisations record complaints of racism and race discrimination, and steps taken in response to identify patterns and systemic risks.



Size of organisation	Examples of actions:
ALL ORGANISATIONS	• Complete a documented risk assessment on workplace racism, in consultation with relevant workers, every two years. For smaller organisations this may include conversations with relevant workers about unlawful conduct. For larger organisations, this may also include learning from relevant committees and working groups. • Implement effective control measures to address the identified risks and regularly review control measures for effectiveness, consulting relevant workers as part of this process. Ensure that consultation occurs regularly on a scheduled basis and during relevant interaction points with relevant workers (such as exit interviews and/or after an incident and or investigation has completed). • Regularly identify and assess the risk of relevant unlawful conduct occurring, using a range of information sources (for example, industry characteristics and data, absenteeism data, surveys, consultations, absenteeism data, exit interviews and relevant committees) to understand the organisation's own context, the industry's specific risks and drivers of workplace racism and implement all reasonably practicable control measures. • Incorporate Positive Duty compliance as a part of work health and safety risk assessments. This includes regular review of work, health and safety guidance regarding workplace racism and psychosocial hazards.
LARGE ORGANISATIONS	• Develop a documented race discrimination prevention plan that details the steps taken to address workplace risks of race discrimination identified in the risk assessment, including by documenting measurable actions, accountabilities and outcomes, that are publicly reported against. • Appoint and train health and safety representatives, including by giving specific training on workplace racism and race discrimination. • Engage relevant external experts, where appropriate, to assist in the risk management process (this may include, for example, assessing whether control measures are sufficient and suggestions for improvement). • Create and model an inclusive, safe and diverse work environment by taking practical actions across various areas of the organisation (for example, by considering the risk of cultural loads, requiring commitments to prevent workplace racism in job descriptions, bonus structures, performance review and promotion processes). • Prepare a document which sets out the characteristics of the workforce on a de-identified basis to inform the risk assessment (for example, the prevalence of particular protected attributes and whether representation of First Peoples and racialized individuals is demonstrated across all areas of the business).
MEDIUM ORGANISATIONS	

What is Risk Management and why is it important?

All organisations carry the risk of relevant unlawful conduct impacting or involving their workers. Race discrimination in the workplace can pose significant risks to the health and safety of workers and other individuals in the workplace.

As a result, risk management is a key part of complying with the Positive Duty. Risk management involves identifying and assessing the risk of race discrimination in the workplace so that measures can be taken to proactively eliminate the risk to the greatest extent possible, including before the risk eventuates. The risk management process assists organisations to understand the nature and extent of race discrimination within the workplace, including who is most likely to be affected, when and where it is most likely to occur, and how the workplace environment, structures and culture can drive it. Understanding these factors helps inform the measures that must be taken in response and is a key part of preventing race discrimination to the greatest extent possible.

Key drivers of workplace race discrimination include:

POTENTIAL RISK INDICATORS OF RACISM	
Workplace composition	• There is a lack of racial diversity. • Most supervisors and/or managers are white. • Staff and leaders do not understand racism or race discrimination. • The workplace is hierarchical and leaders have unquestioned authority.
Workplace characteristics	• The workplace is isolated or remote. • Work is insecure and/or casual. • Disrespectful behaviour is generally accepted or common. • It is a small business where confidentiality and confidence to raise issues may be difficult to achieve.

HOW TO SAFELY ENGAGE WITH EMPLOYEES AND EMPLOYEE REPRESENTATIVES

- Create a safe environment where people can speak up; for example, employees who have experienced racism may wish to share their experiences anonymously together with employee networks.
- Establish clear parameters or scope for the engagement and how employee views will be considered and incorporated.
- Ask open-ended questions to encourage staff to share insights.
- Give examples of what can constitute racism and race discrimination.
- Share information in plain language that can be easily understood by all employees, including translated materials where appropriate.
- Give employees the opportunity to express their views and provide feedback through a variety of pathways (for example, staff forums, one-on-one discussions, emails, anonymous surveys or submissions).
- Make sure that employees' views are considered in a non-tokenistic way.
- Provide follow-up information about the policies and how employees' views have been incorporated.
- Comply with industrial instruments such as enterprise bargaining agreements and contracts of employment.
- Ensure that external support services are made available to staff (see Chapter 5).

SOURCE: Victorian Equal Opportunity and Human Rights Commission. Guideline: Race Discrimination in the Workplace.

How to prevent cultural load in consultation

Organisations should be informed by staff with lived experience of racism when developing policies and procedures. However, employers should consider the following measures to avoid placing an unreasonable cultural load on First Peoples or other racialised employees:

- Do not expect employees to be involved in consultation (or speak for a community) because of their racial background. All consultation should be voluntary.
- Ensure consultation is culturally safe and will not leave employees feeling excluded, marginalised or harassed (see minimum standard 3 on embedding cultural safety).
- Employers should recognise the extra work and responsibility that some employees undertake to improve the workplace culture, taking into account extra time spent to balance workloads, and compensate them accordingly and/or ensure consultation is part of employees' remunerated work. For example, it could occur during work hours and not need to be completed during a lunch break.
- Time spent contributing to staff networks and advisory groups should be recognised in staff professional development plans (or relevant comparisons) and taken into account in terms of awarding First Peoples and racialised staff bonuses and promotion opportunities.

Record Keeping

The below is a non-exhaustive list of the type of records an organisation might keep to demonstrate compliance with this standard:

- risk assessment document, including changes over time;
- reporting and complaint registers (including a trend analysis, such as number or type of complaints over time, etc);
- racial discrimination prevention plan;
- meeting notes, consultation notes and staff communication records;
- survey results and data reports;
- copies of relevant materials in respect of job descriptions, promotion requirements, bonus criteria and performance reviews.



Standard 4: Reporting & Response



"Organisations implement systems to support bystanders and victim-survivors in a person-centred and trauma informed way."

Expectations

- The organisation’s responses are consistent, fair and timely. They minimise harm to, and victimisation of, people involved including by ensuring the response is culturally safe, confidential, trauma-informed, person-centred and anti-racist. Consequences are consistent and proportionate.
- A reporting and response procedure is developed in consultation with relevant workers.
- Reporting and response mechanisms are clear, accessible and regularly communicated to relevant workers and other impacted individuals. The procedure includes multiple options for reporting racism (including both internal and external options).
- Organisations provide regular and meaningful updates to complainants about the progress or status of their report which clearly articulates actions taken and outstanding items or next steps.
- Staff receiving complaints are trained to recognise, receive and escalate reports appropriately.
- Support is offered to workers who experience or witness workplace race discrimination and all workers involved in the complaint process. Workers are informed about available support, and can access that support, regardless of whether they report the relevant conduct.

Size of organisation	Examples of actions:
ALL ORGANISATIONS LARGE ORGANISATIONS MEDIUM ORGANISATIONS	• Develop and implement a documented reporting and response procedure that reflects the expectations outlined in this standard, and regularly review the procedure to ensure it is equipped to handle racism complaints. • Clearly communicate the procedure to all relevant workers (and third parties) to ensure they understand how to make a complaint. This may involve an information sheet when starting work, posters and flyers in the work environment. • Recognise when the organisation is too small to impartially manage complaints and commit to engaging external services (such as an external investigator). For example, this may occur if the owner receives a complaint about their own behaviour or that of a family member. • Ensure there are multiple reporting avenues which are widely communicated. In a small organisation, this might include a nominated person in the organisation to make complaints to, who is also able to provide resources regarding external bodies (such as the Commission and the AHRC). In a larger organisation, this might include numerous different options internally to refer to, alongside clear information about external pathways. • Offer relevant workers and third parties a choice about whether to make a formal report or not.

Size of organisation	Examples of actions:
ALL ORGANISATIONS LARGE ORGANISATIONS MEDIUM ORGANISATIONS	• Ensure resolution options for complaints include informal and formal options. Complainant preference is considered (alongside other relevant duties such as WHS responsibilities). • Communicate details of readily accessible internal and external support services to workers (for example, Employee Assistance Program details and details of 24/7 services such as BeyondBlue). • Consider privacy obligations on a case-by-case basis and ensure it is not applied as a blanket reason for not communicating outcomes. • Ensure there is diversity in the individuals handling complaints (including in relation to culture, age, seniority). • Seek guidance from and arrange support from specialist experts (for example in relation to trauma responses, in relation to cultural safety and/or LGBTIQ+ tailored supports). • Ensure staff receiving complaints are appropriately trained to provide trauma-informed and person-centred responses and have up to date knowledge about the organisation’s reporting processes. • Set up a Whistleblower Hotline.

What is Reporting & Response and why is it important?

Reporting and Response refers to the systems, processes and behaviours that enable people to safely raise concerns about racial discrimination and to ensure those concerns are addressed promptly, fairly and effectively. This includes clear reporting pathways, supportive processes and consistent procedures for assessing, managing and resolving incidents. Strong Reporting and Response practices signal that the organisation takes race discrimination seriously and is committed to early intervention and prevention, as well as ensuring response processes are designed to minimise harm.

The Positive Duty requires organisations to prevent harm and reduce risks, including the risks of discrimination and victimisation arising out of the reporting and response process. Effective reporting systems help identify emerging issues and patterns within the organisation, allowing leaders to intervene at an early stage before conduct escalates or becomes part of an organisation’s culture. The response process should be designed to build trust, demonstrate that concerns will be heard without retaliation or victimisation and also to promote accountability. When workers feel confident to report complaints and also see meaningful action being taken in response, organisations are better placed to understand the prevalence and drivers of race discrimination within their organisation.

Key principles for handling complaints and reports

A procedure for handling reports and complaints of racism and race discrimination is an important tool in reducing racism in the workplace.¹³⁸

Employers should consult with employees, particularly First Peoples and other racialised employees, to ensure that procedures are accessible, culturally safe and fit for the workplace.

A reporting and complaints procedure should be as follows.

Principle	Description
Victim-centred	- Processes are designed to minimise harm to complainants (e.g. limiting how many times they must tell their story) and take into consideration any cultural or accessibility requirements. - All parties have the option of a support person and are otherwise supported through the process.
Anti-racist	Managers and any staff who receive reports or complaints must understand racism and be able to recognise when a complaint of inappropriate behaviour may be based on racial prejudice.
Confidential	- Information should be appropriately stored and limited to those who need to know. - If the complainant wishes to remain anonymous, care should be taken not to disclose identifying information.
Impartial and fair	- The people responsible for investigating or deciding the outcomes of the complaint are impartial (e.g. they do not have a close personal relationship with either party). - The respondent is provided with the right to reply to the allegations and any decisions made about them.
Accessible	- The procedure must be in clear and simple language, and available in other languages (if appropriate). A flow chart may help. - Any requirements a complainant or respondent may require, such as an interpreter or translator to participate or a change in format, should be considered.
Flexible	- There are a range of reporting and response options available, including self-management (where the complainant resolves the matter on their own), informal or formal internal management and external management, and appropriate options to report anonymously. - The procedure should outline a range of contact people in different roles whom a report or complaint can be made to e.g. managers, human resource personnel, equal opportunity contact officers, work health and safety representatives or union representatives

Principle	Description
Timely	- The procedure should outline that responses to reports and complaints will be timely (within 3 months wherever possible) and aim to resolve matters before they escalate. - The procedure should outline a commitment to regularly updating everyone involved.
Transparent and accountable	- Both sides are given sufficient information about the allegations, investigation and/or decision-making process, and what to expect including potential outcomes. - The reasons for actions and decisions should be communicated to everyone involved (where safe and appropriate) and subject to appropriate oversight. - Actions and outcomes are proportionate and hold respondents to account appropriately.
Continuously improved	- Where appropriate, methods for improving systems and processes should be considered by management after a complaint is investigated and resolved. - Even if disciplinary action is not taken, reports and complaints of racism should be addressed holistically by the organisation, for example through additional training or updating of processes.

SOURCE: Victorian Equal Opportunity and Human Rights Commission. Guideline: Race Discrimination in the Workplace.

Best-practice for reporting and complaints procedures

HOW TO SAFELY ENGAGE WITH EMPLOYEES AND EMPLOYEE REPRESENTATIVES

A reporting and complaints procedure should include:

- the types of conduct it covers, including examples of what types of behaviour amount to race discrimination
- the types of complaints or other conduct it does not cover (for example, safety breaches and disciplinary action for poor work performance)
- reference to other relevant workplace policies (for example, an anti-racism policy if separate)
- a commitment to fundamental principles of complaint handling (see above)
- a range of pathways for reporting and response options
- an explanation of how related documents will be treated (including in what circumstances information will be recorded, the management of confidential information and privacy obligations)
- a statement confirming that a person making a report or complaint will not be treated badly (victimised) because they make a complaint
- when an investigation will be conducted and the factors that will be considered, including the wishes of the complainant
- the possible outcomes of an investigation, including what workplace action could be taken, both disciplinary and non-disciplinary, and how that information will be recorded and shared (for example, with the complainant)
- information on how investigations will be conducted, how parties will be kept updated and the decision-making process
- the date the document came into effect and a date for review.

SOURCE: Victorian Equal Opportunity and Human Rights Commission. Guideline: Race Discrimination in the Workplace.

How to prevent and respond to victimisation

A fear of victimisation can be a strong reason for workers not to speak up about racism or race discrimination they have experienced or witnessed at the workplace. Building a culture where workers feel comfortable to speak up or report issues is an essential part of the Positive Duty, because issues that never come to light cannot be addressed.

Victimisation can occur in various ways. For example, certain workplaces may have cultures where it is normalised to frown upon ‘ratting’ or ‘dobbing in’ other workers, or where racist slurs are used by senior figures in the business (including those that are in a position to receive disclosures of workplace racism).

To prevent victimisation, organisations must send a clear message that victimisation will not be tolerated, and that any attempt at victimising a complainant will be met with disciplinary action, including up to termination.

Regarding victimisation and its legal consequences, see sections 4.2(d)(ii) Victimisation and 4.2(e)(ii) Commonwealth legislation.

- To prevent victimisation, following a complaint or report, employers should ensure that:
- Leadership sends a clear message that victimisation is unlawful and will not be tolerated.
 - At the beginning of a complaints process, parties are reminded that victimisation will not be tolerated.
 - A victim-centred approach to resolving complaints is taken.
 - Following a complaint, there is monitoring for victimisation including by having open, regular communication with the complainant and other employees.
 - Employees are encouraged and supported to report victimisation.
 - Swift and decisive action is taken to discipline workers engaging in victimisation.

Non-disclosure agreements

WHEN SHOULD AN NDA BE USED?

Non-disclosure agreements should be used sparingly and not as a general rule. NDAs remove the ability for organisations to be transparent and make systemic change based on complaints (see 2.5.3 Use of non-disclosure agreements). Employers should carefully consider the circumstances of each case when determining whether an NDA is appropriate, including:

- who is requesting confidentiality and whether there is a clear reason why it is required
- who benefits from the requirement
- the benefits of not using an NDA or confidentiality clause
- the potential impact of the agreement on the complainant and the workplace culture.

When used (for example, when a complainant has requested confidentiality regarding their experiences), they should be carefully tailored to the needs of both parties to only prohibit certain disclosures.

If an NDA is used, systemic change such as anti-racist or Aboriginal cultural awareness training can be incorporated into the settlement agreement to redress the lack of individual data and drive system change.

SOURCE: Victorian Equal Opportunity and Human Rights Commission. Guideline: Race Discrimination in the Workplace.

Record Keeping

- The below is a non-exhaustive list of the type of records an organisation might keep to demonstrate compliance with this standard:
- reporting and complaints procedure;
 - communications regarding report and response procedures to staff, including details of relevant support services (for example, posters, emails, brochures);
 - engagement material where specialist experts have been engaged in relation to workplace racism or race discrimination;
 - data regarding the variety of response mechanisms (informal and formal);
 - copies of training materials provided to workers regarding appropriate responses to disclosures (for example, trauma-informed and person-centred approaches), training attendance records and qualifications of training providers;
 - whistleblower policy which incorporates complaints made about racial discrimination.

Standard 5: Continuous Improvement & Transparency

“Organisations review, evaluate and communicate outcomes and strategies.”

- Expectations
- Organisations regularly collect reporting and response data, and other relevant information, and assess it for trends and risk factors, to understand the nature and extent of workplace race discrimination concerning their workforce.
 - Data collected is used to assess and improve workplace culture, and to develop and improve measures of preventing and responding to workplace race discrimination.
 - Organisations regularly review and update policies, procedures and programs that are relevant to workplace race discrimination.
 - Organisations are transparent about trends, risk factors and lessons learnt with employees, senior leaders and key stakeholders to build staff confidence.
 - Organisations set clear and measurable goals for preventing race discrimination and improving inclusiveness.
 - Organisations create a culture where learning, adaptation and transparency are routine rather than reactive.

Size of organisation	Examples of actions:
ALL ORGANISATIONS LARGE ORGANISATIONS MEDIUM ORGANISATIONS	• Complete annual reviews of the organisation’s policies, procedures and programs that are relevant to race discrimination and communicate any changes to relevant workers, including the rationale behind the changes. • Communicate trends, risk factors and lessons with employees, senior leaders and key stakeholders (where safe and appropriate). This includes transparency about the nature and extent of reported behaviours that could constitute workplace racism and actions taken by the organisation to address it.

Size of organisation	Examples of actions:
ALL ORGANISATIONS	- Maintain and update records which demonstrate progress and compliance against the minimum standards, including internal records of incidents of race discrimination or victimisation, reports, outcomes, control measures implemented and the organisation's self-assessment of Positive Duty compliance. - Learn from incidents through conversations with relevant workers and use these case studies (on a deidentified basis) to facilitate discussion and learning amongst relevant workers and senior leaders. - Encourage education on anti-racism and the Positive Duty on an ongoing basis, delivered by suitably qualified personnel, including external specialists where appropriate. - Communicate to staff what is being done to comply with the Positive Duty and seek feedback. - Seek to increase the representation and workplace inclusion of underrepresented groups.
LARGE ORGANISATIONS	- Implement a process where complaints trigger a review of workplace policies and practices to uncover additional systemic issues. - Obtain external expertise to identify and gather data and assess trends, which may then be de-identified and published to relevant workers and third parties. - Develop a diversity and inclusion strategy and assesses performance against targets which include consideration of 'special measures' or positive discrimination initiatives, under relevant anti-discrimination laws. - Undertake a comprehensive induction, briefing and/or handover for new leadership staff covering all policies, procedures, cultural maps, risk assessments, compliance measures and role-specific expectations in relation to assisting with the organisation's Positive Duty compliance. - Publish annual reports outlining the progress on preventing and responding to racial discrimination and improving cultural safety. - Use non-disclosure agreements and separation deeds containing non-disclosure terms sparingly. Such agreements and deeds should be tailored to the needs of both parties, with appropriate carve outs for the worker to seek therapeutic supports, for the organisation to investigate any incidents to completion, and to enable the organisation to address any systemic issues.
MEDIUM ORGANISATIONS	

What is Continuous Improvement & Transparency?

Continuous Improvement and Transparency is about an organisation's commitment to regularly evaluating, strengthening and openly communicating its efforts to prevent racial discrimination and comply with Positive Duty obligations.

In the context of Positive Duty, Continuous Improvement and Transparency are critical. They ensure organisations do not treat compliance as a one off exercise, but rather, as an ongoing responsibility. Together, they help maintain safe, respectful workplaces where issues are addressed early and workers and communities can see tangible, sustained progress.

Continuous Improvement means actively reviewing policies, systems and workplace culture to identify gaps, learn from incidents and implement better practices over time. It involves using data, feedback and lessons learned to refine approaches, so prevention becomes consistent and forms part of the duty holder's everyday culture.

Transparency is equally important. It includes openly communicating the organisation's expectations, processes, outcomes and progress to relevant workers and stakeholders. Being transparent demonstrates accountability, builds trust and reassures workers and stakeholders that the organisation takes racial discrimination seriously. When organisations share what they are doing, why they are doing it and how effective their actions have been, they create confidence and show genuine commitment to change. Transparency can involve being visible about the steps taken to prevent and respond to race discrimination, as well as learnings (i.e the success or failure of those processes). Given the sensitive nature of workplace racism, transparency must always be balanced with the need for confidentiality and privacy. This may mean providing anonymised data and trends regarding the handling of workplace racism complaints.

Importance of collecting and analysing data

There is a lack of data about racism in the workplace. Organisations should regularly collect and assess data, including racial background, reports and complaints, and other relevant data. It is important to invest in robust data collection, reporting and evaluation to determine what works and what needs to be improved.

DATA EMPLOYERS SHOULD COLLECT:

- reporting and complaint statistics and prevalence of discrimination, victimisation and sexual harassment (disaggregating First Peoples and other racialised staff)
- employee views and safety (wellbeing, cultural safety, stress, etc)
- racial backgrounds of staff (by anonymous survey)
- racial backgrounds of leadership
- any trends in pay inequalities based on race
- promotions and other benefits based on race
- work segregation based on race
- data on who has left the organisation (disaggregated by race)
- views/information on workplace racism from exit interviews.

SOURCE: Victorian Equal Opportunity and Human Rights Commission. Guideline: Race Discrimination in the Workplace.

Record Keeping

The below is a non-exhaustive list of the type of records an organisation might keep to demonstrate compliance with this standard:

- policy, procedure and/or risk assessments showing updates over time;
- meeting notes, consultation notes and staff communication records;
- survey results and data reports;
- reporting and complaint registers (including a trend analysis, such as number or type of complaints over time, etc);
- diversity and inclusion strategy documents, performance against targets and records;
- external specialist engagement letters or contracts;
- annual reports that contain deidentified data regarding workplace racism.



4

Referrals

Prevention succeeds when organisations are willing to learn, collaborate and continuously improve.

No organisation creates change alone.

Creating culturally safe workplaces is a shared responsibility. This chapter connects organisations and individuals with trusted organisations, legal assistance, support services and reporting pathways.



4.1 Organisations

(a) Northern Territory Anti-Discrimination Commission

The Northern Territory Anti-Discrimination Commission is the independent statutory body in the Northern Territory which promotes equal opportunity for all Territorians. The Commissioner's functions include assessing racial discrimination complaints, conducting conciliations and, in some cases, the referral of complaints for hearing by the Northern Territory Civil and Administrative Tribunal. The Commission also provides education to help organisations meet their legal obligations and foster inclusive workplaces.

- phone: **1800 813 846** or **(08) 8999 1444**
- website: <https://adc.nt.gov.au/>

(b) Australian Human Rights Commission

This is the national human rights regulator, which investigates complaints about discrimination and human rights breaches. The Australian Human Rights Commission also has a resource hub dedicated to helping people better understand racism, providing tools and information.

- phone: **1300 656 419** Monday to Friday 9:30 am – 3:30 pm ACST
- website: humanrights.gov.au
- resource hub: itstopswithme.humanrights.gov.au/resourcehub

(c) Fair Work Ombudsman

This is the federal independent statutory agency that enforces the Fair Work Act and, in some instances, other legislation related to pay and conditions at work. The Fair Work Ombudsman provides education, guidance and information about the Fair Work Act, including information about discrimination in the workplace.

- phone: **13 13 94** Monday to Friday 8:30 am - 4:30 pm
- website: fairwork.gov.au

(d) NT WorkSafe

This is the Northern Territory's health and safety regulator, responsible for ensuring compliance with the Northern Territory's workplace health and safety laws. NT WorkSafe may respond to safety concerns (including physical and psychosocial safety concerns, such as workplace racism) and has a range of enforcement powers, including workplace inspection and enforcing workplace health and safety laws.

- phone: **1800 019 115** Monday to Friday 8:00 am – 4:20 pm
- website: <https://worksafe.nt.gov.au/home>

(e) Diversity Council Australia (DCA)

DCA is an organisation that advocates for many diverse and marginalised communities including racialised people. DCA regularly shares diversity and inclusion research, analysis and information.

- website: dca.org.au

Relevant resources

- Inclusive Recruitment Tools
- Racism at Work report
- Counting Culture: What to ask to measure cultural diversity in your organisation

4.2 Legal help and information

(a) Darwin Community Legal Centre (DLCs)

DLCs provide free services to support eligible members of the community to protect their legal rights. The General Legal Service provides legal information, advice and representation, including in relation to race discrimination.

- phone: **1800 812 953** or **(08) 8982 1111** Monday to Friday 9:00 am - 4:00 pm
- website: <https://www.dcls.org.au/>

(b) North Australian Aboriginal Justice Agency (NAAJA)

NAAJA provides free legal advice, representation and information to eligible Aboriginal and Torres Strait Islander people in the Northern Territory, including in relation to discrimination and employment disputes.

- phone: **1800 898 251**
- website: naaja.org.au

4.3 Support and wellbeing

(a) Lifeline

This is a national charity providing all Australians experiencing emotional distress with access to 24-hour crisis support and suicide prevention services.

- phone (24/7 crisis support): **13 11 14**
- website: lifeline.org.au

(b) Beyond Blue

This is an Australian mental health and wellbeing support organisation that provides support to address depression, suicide, anxiety disorders and other mental illnesses.

- phone: **1300 22 4636**
- website: beyondblue.org.au

(c) Multicultural Centre for Women's Health

This organisation provides a telephone service specifically for women from migrant and refugee backgrounds on health topics including women's health, work health and safety, and wellbeing.

- phone: **1800 656 421**
- website: mcwh.com.au

Phone for regional centres:

- Alice Springs: **(08) 8958 4544**
- Darwin: **(08) 8931 5999**
- Katherine: **(08) 8912 4000**

(d) 13 Yarn

This is a service for Aboriginal & Torres Strait Islander people. 13 Yarn offers a confidential one-on-one over the phone yarning opportunity with a Lifeline trained Aboriginal & Torres Strait Islander Crisis Supporter for mob who are feeling overwhelmed or having difficulty coping. The service is 24 hours a day, 7 days a week.

- phone: 13 YARN (**13 92 76**)
- website: <https://www.13yarn.org.au/>

4.4 Making a complaint or reporting racism

(a) Northern Territory Anti-Discrimination Commission

If you have experienced discrimination on the basis of race and would like to report it or seek information about your rights, or want to help someone you know with these issues, you can contact the Commission. Please note, there are specific time limits that apply to lodging a complaint.

You can lodge a complaint:

- completing the online complaint form
- completing the complaint form and sending it to Level 9 NT House 22 Mitchell Street, Darwin NT 0801

The Commissioner will make a decision whether to accept the complaint and may direct the parties to conciliation.

If you would like to tell us about an allegation of racial discrimination but do not want to make a formal complaint, you can make an informal report (including an anonymous report).

You can lodge a report by

- completing the online report form
- completing the report form and sending it to Level 9 NT House 22 Mitchell Street, Darwin NT 0801

(b) Northern Territory Civil and Administrative Tribunal (NTCAT)

In some circumstances, a race discrimination complaint may be referred to NTCAT for hearing.

An example of where this may occur includes where a complaint is accepted by the Commissioner, the matter does not resolve at conciliation and the Commissioner believes there is a reasonable prospect of success at a hearing by the Tribunal. If the Commissioner decides not to refer the complaint to NTCAT, the complainant can also apply within 21 days to have the complaint heard by NTCAT.

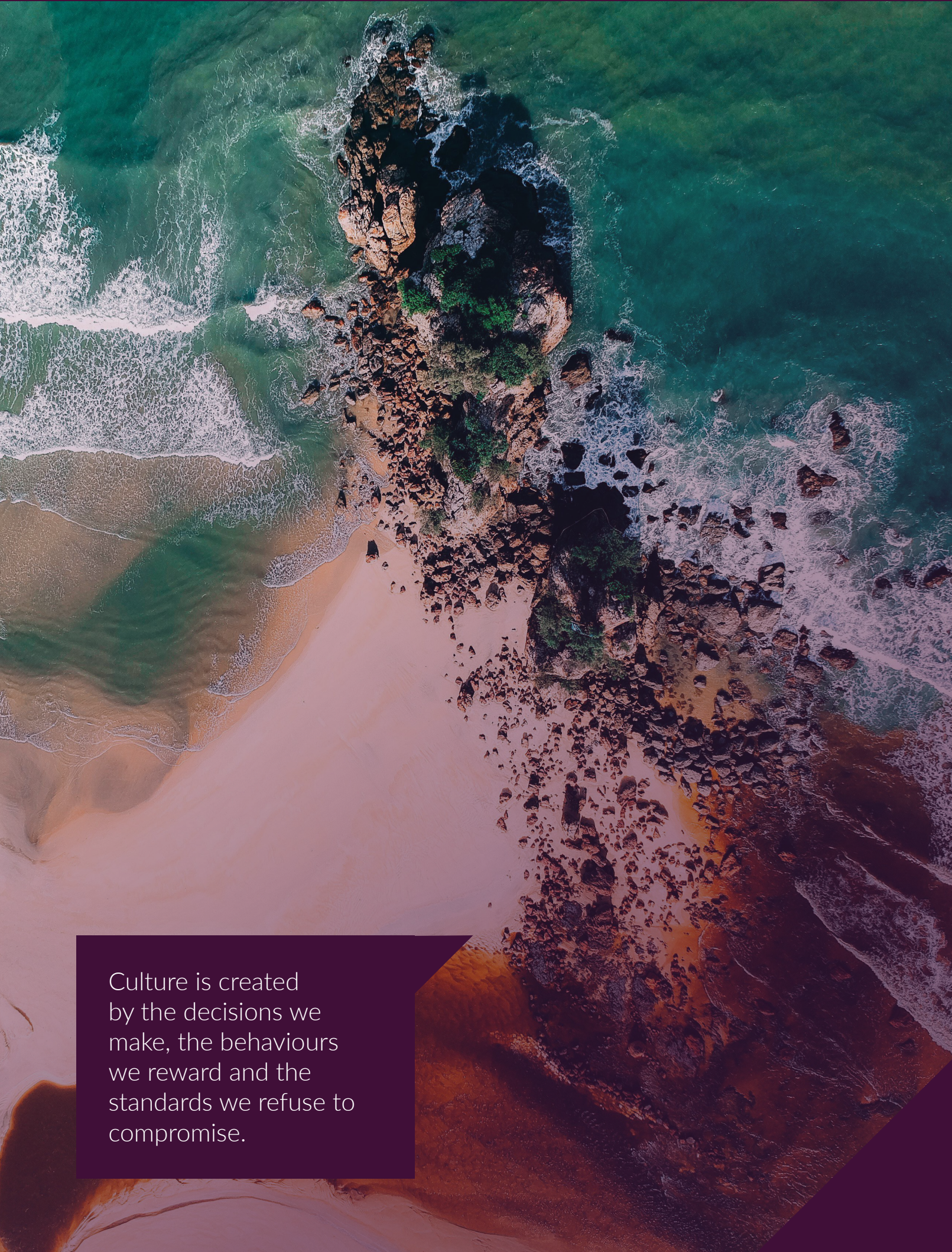
If the complaint is referred to NTCAT and the discrimination is substantiated, NTCAT can make orders, including orders for compensation and to do specific things to redress loss or damage (such as re-employing a person or promoting a person).

- phone: **1800 604 622 (08) 8944 8720** Monday to Friday 8:45 am – 4:00 pm
- website: ntcat.nt.gov.au

(c) Northern Territory Police Force

In some instances, conduct related to racial discrimination can involve criminal offences (such as physical abuse, threats and/or property damage). These instances should be reported to Northern Territory Police.

- phone: **000** (emergency), **131 444** (non-emergency)
- website: <https://pfes.nt.gov.au/>



5 Appendix

Culture is created by the decisions we make, the behaviours we reward and the standards we refuse to compromise.

Making Positive Duty part of everyday practice.

Real change is built through everyday decisions. These practical tools, templates and governance resources help organisations translate Positive Duty into measurable action and continuous improvement.



5.1 Positive Duty Templates and Tools

1. Purpose

XXX is committed to creating workplaces and services that are safe, respectful, inclusive and free from discrimination, sexual harassment, bullying, victimisation and vilification.

We recognise that every person has the right to be treated with dignity, fairness and respect.

This Governance Statement reflects XXX's commitment to Positive Duty under Northern Territory and Federal legislation. It outlines the actions we will take to prevent unlawful conduct before it occurs and to promote a culture of inclusion, accountability and continuous improvement.

2. Our Commitment

We will create workplaces and services where everyone:

- 2.1 feels safe, respected and included;
- 2.2 is treated fairly and with dignity;
- 2.3 can participate without fear of discrimination, sexual harassment or victimisation;
- 2.4 has equitable access to employment, services and opportunities; and
- 2.5 can safely raise concerns without fear of adverse treatment.

We recognise that creating respectful workplaces requires ongoing leadership, education, accountability and continuous improvement.

3. Positive Duty

Positive Duty means taking proactive steps to prevent discrimination, sexual harassment, victimisation and other unlawful conduct before harm occurs.

We will embed Positive Duty across our governance, leadership, workforce practices and service delivery.

We will regularly identify and address risks that may affect staff, volunteers, contractors, clients and communities.

4. Our Commitments

4.1 Leadership

We will:

- 4.1 demonstrate leadership that promotes respect, inclusion and cultural safety;
- 4.2 hold leaders accountable for creating safe workplaces;
- 4.3 regularly review organisational culture;
- 4.4 monitor discrimination and psychosocial risks; and
- 4.5 support continuous improvement.

5. Recruitment and Workforce

We will:

- 5.1 recruit fairly and transparently;
- 5.2 build a diverse workforce based on merit;
- 5.3 support Aboriginal and Torres Strait Islander employment and leadership;
- 5.4 increase opportunities for people with disability and people from diverse backgrounds;
- 5.5 apply special measures where appropriate to improve representation;
- 5.6 remove barriers to participation; and
- 5.7 create workplaces where everyone feels respected and included.

6. Education and Capability

We will provide Board members, managers, staff, volunteers and contractors with education about:

- 6.1 Positive Duty;
- 6.2 the NT Anti-Discrimination Act;
- 6.3 respectful workplace behaviour;
- 6.4 cultural safety;
- 6.5 disability inclusion;
- 6.6 preventing discrimination and sexual harassment;
- 6.7 bystander responsibilities; and
- 6.8 responding appropriately when concerns are raised.

Training will be reviewed regularly to ensure it remains contemporary.

7. Safe Reporting

We will provide safe, accessible and confidential ways for people to raise concerns.

We will:

- 7.1 encourage early reporting;
- 7.2 respond fairly and respectfully;
- 7.3 protect people from victimisation;
- 7.4 provide information about internal and external complaint options;
- 7.5 support people throughout the process; and
- 7.6 learn from complaints to improve our practices.

8. Risk Management

We will identify, assess and manage risks relating to:

- 8.1 discrimination;
- 8.2 sexual harassment;
- 8.3 bullying;
- 8.4 victimisation;
- 8.5 vilification;
- 8.6 racism;
- 8.7 cultural safety;
- 8.8 psychosocial hazards;
- 8.9 accessibility; and
- 8.10 inclusion.

We will regularly review our policies, practices and workplace culture to identify opportunities for improvement.

9. Inclusive Services

We will deliver services that are accessible, culturally safe and responsive to the diverse needs of the Northern Territory community.

We will:

- 9.1 remove barriers to participation;
- 9.2 encourage client and community participation;
- 9.3 seek regular feedback;
- 9.4 work collaboratively with Aboriginal Community Controlled Organisations and community partners; and
- 9.5 use feedback to improve services.

10. Monitoring and Accountability

The Board and Executive Team will oversee implementation of this Governance Statement.

Progress will be monitored through:

- 10.1 workforce diversity data;
- 10.2 Aboriginal employment and leadership indicators;
- 10.3 staff engagement;
- 10.4 client feedback;
- 10.5 discrimination and complaint trends;
- 10.6 Positive Duty reporting;
- 10.7 organisational audits;
- 10.8 policy reviews; and
- 10.9 continuous improvement activities.

Regular reports will be provided to the Board to ensure XXX continues to create safe, respectful and inclusive workplaces and services.

11. Everyone's Responsibility

Creating a safe, respectful and inclusive organisation is everyone's responsibility.

Every Board member, employee, volunteer and contractor is expected to:

- 11.1 treat others with dignity and respect;
- 11.2 contribute to an inclusive workplace;
- 11.3 speak up when inappropriate behaviour occurs;
- 11.4 support colleagues and clients who experience discrimination;
- 11.5 participate in learning opportunities; and
- 11.6 contribute to continuous improvement.

Together we will create an organisation where everyone belongs, every voice is valued and every person has the opportunity to participate fully.

5.2 Positive Duty Risk Register

Purpose

This Risk Register supports XXX's Positive Duty obligations by identifying, assessing and managing risks of discrimination, harassment, victimisation, vilification and exclusion across governance, workforce and service delivery environments.

The Register should be reviewed quarterly by Executive Management and reported annually to the Board.

RISK RATING MATRIX

Consequence	Description
1	Insignificant
2	Minor
3	Moderate
4	Major
5	Severe

Likelihood	Description
1	Rare
2	Unlikely
3	Possible
4	Likely
5	Almost Certain

Risk Rating = Consequence × Likelihood
Low (1–5) | Moderate (6–10) | High (12–15) | Extreme (16–25)

GOVERNANCE RISKS						
Risk ID	Risk Description	Protected Groups Impacted	Existing Controls	Rating	Additional Actions	Owner
PD-01	Lack of Board oversight of discrimination, sexual harassment and inclusion risks	All	Board Charter, Equality & Respect Statement	Moderate	Annual Positive Duty report to Board	CEO
PD-02	Insufficient Aboriginal and Torres Strait Islander representation in governance	Aboriginal and Torres Strait Islander peoples	Governance Framework, RAP	Moderate	Establish Board diversity targets	Board Chair
PD-03	Policies not aligned to Positive Duty obligations	All	Policy review framework	Moderate	Positive Duty audit of policy library	Executive Team

GOVERNANCE RISKS						
Risk ID	Risk Description	Protected Groups Impacted	Existing Controls	Rating	Additional Actions	Owner
PD-04	Workplace bullying and harassment	All staff	Policy and Guideline	High	Annual culture survey and hotspot reviews	HR
PD-05	Race discrimination or racial harassment	Aboriginal and Torres Strait Islander staff, CALD staff	Cultural Security Framework, RAP	High	Annual race discrimination risk assessment	Executive
PD-06	Disability discrimination and failure to make adjustments	Staff and applicants with disability	Recruitment policies	Moderate	Workplace adjustment procedure	HR
PD-07	Sexual harassment and sex-based hostility	Women, LGBTQIASB+ staff	Policy	High	Gender risk assessment and prevention plan	Executive
PD-08	Victimisation following complaints	Complainants and witnesses	Grievance procedures	High	Victimisation monitoring and executive oversight	HR
PD-09	Psychological safety concerns preventing reporting	All staff	EAP, supervision	High	Anonymous reporting pathway	Executive
PD-10	Under-representation of Aboriginal staff in leadership roles	Aboriginal and Torres Strait Islander staff	Workforce Development Strategy	Moderate	Leadership pathway program	Executive

SERVICE DELIVERY RISKS						
Risk ID	Risk Description	Protected Groups Impacted	Existing Controls	Rating	Additional Actions	Owner
PD-11	Discrimination experienced by clients accessing services	Clients and participants	Feedback System	High	Service access equity review	Regional Managers
PD-12	Cultural insecurity in service delivery	Aboriginal and Torres Strait Islander clients	Cultural Security Framework	High	Annual cultural security audit	Executive
PD-13	Language barriers preventing equitable access	CALD communities	Interpreters available	Moderate	Interpreter utilisation monitoring	Program Managers
PD-14	Inaccessible services for people with disability	People with disability	Accessibility measures	High	Accessibility action plan	Operations
PD-15	Gender diverse and LGBTQIA+ people experiencing exclusion	LGBTQIA+ clients	Inclusion practices	Moderate	Inclusion audit and staff training	Service Managers

LEADERSHIP AND CULTURE RISKS						
Risk ID	Risk Description	Protected Groups Impacted	Existing Controls	Rating	Additional Actions	Owner
PD-16	Leaders fail to identify discrimination risks early	All	Leadership Framework	Moderate	Positive Duty leadership training	Executive
PD-17	Inconsistent management response to complaints	All	Policies and procedures	High	Case review and quality assurance process	HR
PD-18	Workplace culture tolerates low-level inappropriate behaviour	All	Code of Conduct	High	Behavioural expectations campaign	Executive

RECRUITMENT AND EMPLOYMENT RISKS						
Risk ID	Risk Description	Protected Groups Impacted	Existing Controls	Rating	Additional Actions	Owner
PD-19	Bias in recruitment and promotion decisions	All applicants	Recruitment procedures	Moderate	Inclusive recruitment review	HR
PD-20	Discrimination in performance management processes	All staff	HR processes	Moderate	Positive Duty review of performance systems	HR
PD-21	Flexible work practices not equitably available	Carers, women, staff with disability	Flexible work arrangements	Moderate	Annual workforce equity review	Executive

REPORTING AND RESPONSE RISKS						
Risk ID	Risk Description	Protected Groups Impacted	Existing Controls	Rating	Additional Actions	Owner
PD-22	People unaware of reporting pathways	Staff, clients and volunteers	Feedback system	Moderate	Positive Duty awareness campaign	Executive
PD-23	Complaint trends not analysed for systemic risks	All	Feedback reporting	High	Quarterly Positive Duty dashboard	Quality Team
PD-24	Failure to learn from complaints and incidents	All	Continuous improvement framework	Moderate	Annual lessons learned review	Executive

Positive Duty Dashboard (Quarterly Reporting)

Leadership

- % leaders trained in Positive Duty
- Board review completed (Y/N)
- Executive risk review completed (Y/N)

Workforce

- Workforce diversity profile
- Aboriginal and Torres Strait Islander workforce participation %
- Gender diversity profile
- Disability disclosure rate
- Inclusion survey results
- Staff turnover by demographic group

Complaints and Concerns

- Bullying complaints
- Harassment complaints
- Discrimination complaints
- Race-related complaints
- Disability-related complaints
- Sexual harassment complaints
- Victimisation complaints

Prevention Activities

- Training completion rates
- Cultural Security assessments completed
- Accessibility audits completed
- Workplace risk assessments completed

Continuous Improvement

- Corrective actions completed
- Policy reviews completed
- Emerging risks identified
- Board recommendations actioned

Annual Assurance Statement

“The Board has reviewed Positive Duty performance, discrimination risks, workforce and service delivery indicators and is satisfied that reasonable and proportionate measures are being implemented to eliminate discrimination, sexual harassment, victimisation and other unlawful conduct as far as possible.”

5.3 Positive Duty Reporting Dashboard

Reporting Period: Quarterly / Annual
Reporting To: Board, Audit & Risk Management Committee, Executive Team
Purpose: To provide governance oversight and assurance that XXX is taking reasonable and proportionate measures to eliminate discrimination, harassment, sexual harassment, victimisation and other unlawful conduct as far as possible.

Executive Summary			
Indicator	Status	Trend	Commentary
Overall Positive Duty Rating	● / ● / ●	↑ ↓ →	Summary
Leadership & Governance	● / ● / ●	↑ ↓ →	Summary
Workforce Inclusion	● / ● / ●	↑ ↓ →	Summary
Reporting & Response	● / ● / ●	↑ ↓ →	Summary
Risk Management	● / ● / ●	↑ ↓ →	Summary
Cultural Security	● / ● / ●	↑ ↓ →	Summary

Minimum Standard 1

INTENTIONAL LEADERSHIP

Objective
Leaders actively create and maintain safe, respectful and inclusive workplaces and

Measure	Target	Q1	Q2	Q3	Q4	Status
Board Positive Duty review completed	100%					
Executive Positive Duty review completed	100%					
Leaders completing Positive Duty training	>95%					
Leaders completing Cultural Security training	>95%					
Leaders completing Cultural Security training	>80%					
Leaders completing Cultural Security training	100%					

- Board Commentary**
- Emerging risks
 - Significant issues
 - Leadership actions

Minimum Standard 2

KNOWLEDGE, EDUCATION AND CAPABILITY

Personnel understand their rights, responsibilities and expected behaviours.

Measure	Target	Q1	Q2	Q3	Q4	Status
Staff completing Positive Duty induction	>95%					
Staff completing annual refresher training	>90%					
Cultural Security Framework training completion	>90%					
Bullying, Harassment and Discrimination training completion	>90%					
Managers receiving advanced training	>95%					
Board Positive Duty briefing completed	Annual					

Indicator	Result
Training satisfaction score	
Increased confidence reporting concerns	
Increased understanding of Positive Duty	

Minimum Standard 3

REPORTING AND RESPONSE

Objective

People can safely report concerns and receive fair and timely responses.

Category	Q1	Q2	Q3	Q4	Trend
Compliments					
Concerns					
Complaints					
Bullying					
Harassment					
Discrimination					
Sexual Harassment					
Victimisation					
Race Related Complaints					
Disability Related Complaints					
LGBTQIASB+ Related Complaints					
Cultural Safety Concerns					

Complaint Outcomes

REPORTING AND RESPONSE

Objective

People can safely report concerns and receive fair and timely responses.

Measure	Target
Complaints acknowledged within policy timeframe	>95%
Complaints resolved within timeframe	>90%
Complainant satisfaction	>80%
Victimisation concerns following complaint	0
Repeat complaints	<5%
Board Positive Duty briefing completed	Annual

Protected Attribute Analysis

Track complaints (make an executive decision on which attributes to champion or priorities based on what is trending or emerging):

- Race
- Disability
- Sex
- Gender Identity
- Sexual Orientation
- Carer Responsibilities
- Age
- Religious Belief
- Relationship Status
- Pregnancy
- Accommodation Status
- Other protected attributes

Key Themes

- Emerging issues
- Hotspots
- Systemic concerns

Minimum Standard 4

RISK MANAGEMENT AND PREVENTION

Objective

Identify and address risks before harm occurs.

Risk Profile

Risk Level	Current Quarter	Previous Quarter
Extreme		
High		
Moderate		
Low		

Positive Duty Risk Register

Risk	Rating	Trend	Action Status
Race discrimination			
Cultural safety			
Sexual harassment			
Disability inclusion			
Victimisation			
Psychological safety			

Prevention Activities

Activity	Completed
Workplace inclusion review	
Cultural Security audit	
Accessibility audit	
Recruitment equity review	
Service access review	
Policy review	
Leadership review	

Minimum Standard 5

MONITORING, EVALUATION AND IMPROVEMENT

Objective

Continuously improve workplace and service environments.

Continuous Improvement

Measure	Target
Positive Duty actions completed	>90%
Policy reviews completed	100%
Corrective actions completed	>90%
Improvement projects implemented	Annual increase

Workforce Diversity Dashboard

Workforce Profile

Indicator	Current	Previous
Aboriginal and Torres Strait Islander employees		
Women		
Men		
Non-binary employees		
Employees with disability		
CALD employees		
Regional workforce		

Leadership Profile

Indicator	Current
Aboriginal leaders	
Women leaders	
Employees with disability in leadership	
CALD community leaders	
Regional leaders	

Recruitment

Indicator	Result
Aboriginal recruitment rate	
Diversity recruitment rate	
Internal promotions	
Workforce retention rate	

Board Assurance Statement

The Board has reviewed:

- ☐ Positive Duty performance
- ☐ Workforce inclusion indicators
- ☐ Cultural Security indicators
- ☐ Complaints and feedback data
- ☐ Organisational risks
- ☐ Continuous improvement activities

The Board is satisfied that XXX is taking reasonable and proportionate measures to prevent and eliminate discrimination, sexual harassment, victimisation and other unlawful conduct as far as possible and remains committed to continuous improvement.

Chair: _____

Date: _____

Overall Positive Duty Scorecard

Standard	Weighting	Score
Intentional Leadership	20%	
Education & Capability	20%	
Reporting & Response	20%	
Risk Management	20%	
Monitoring & Review	20%	

Overall Positive Duty Maturity

- Leading Practice (85–100%)
- Established (70–84%)
- Developing (50–69%)
- Emerging (<50%)

Overall Score: _____%



**NORTHERN TERRITORY
ANTI-DISCRIMINATION
COMMISSION**

Phone: (08) 8999 1444

Freecall: 1800 813 846

Helpline for managers: 1800 813 846

General enquiries: antidiscrimination@nt.gov.au

Level 9, NT House, 22 Mitchell St, Darwin NT 0800

adc.nt.gov.au