

Workplace Gender Equality Act 2012 (Cth) - Compliance, Consultation and Reporting Requirements

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Workplace Relations, Employment & Safety

The Workplace Gender Equality Act 2012 (Cth) (the Act) commenced on 1 April 2013 and renamed and updated the *Equal Opportunity for Women Act 1999 (Cth)*. The Act applies to all non-public sector employers with 100 or more employees and registered higher education providers.

The principal objectives of the Act are:

- *to promote and improve gender equality (including equal remuneration between women and men) in employment and in the workplace;*
- *to support employers to remove barriers to the full and equal participation of women in the workforce, in recognition of the disadvantaged position of women in relation to employment matters;*
- *to promote, among employers, the elimination of discrimination on the basis of gender in relation to employment matters (including in relation to family and caring responsibilities);*

- *to foster workplace consultation between employers and employees on issues concerning gender equality in employment and in the workplace; and*
- *to improve the productivity and competitiveness of Australian business through the advancement of gender equality in employment and in the workplace.*

Workplace Gender Equality Agency

The Act will be administered by the Workplace Gender Equality Agency (the WGEA). The role of the WGEA includes:

- *developing, in consultation with relevant employers and employee organisations, industry-level benchmarks and industry-specific strategies;*
- *collecting, analysing and promoting the information it gathers from relevant employers;*
- *undertaking research, and educational programs for the purpose of promoting gender equality in the workplace;*
- *working with employers to minimise regulatory burdens and ensuring the Act is operating effectively;*
- *promoting the understanding and acceptance and public discussion of gender equality in the workplace; and*
- *reviewing the effectiveness of the Act in achieving its purposes.*



Changes

The following changes are implemented in the Act:

- a focus on gender equality for both men and women;
- organisations are no longer required to develop workplace programs;
- an on-line reporting system;
- employers are required to report on the composition of their boards;
- requirement for ongoing consultation with employers, employee organisations and other stakeholders, including the development of reporting matters and minimum standards; and
- relevant employers are required to report against a set of gender equality indicators, focussing on outcomes.

Compliance

The WGEA is responsible for ensuring compliance with the Act including:

- conducting small-scale compliance reviews to make sure employers are fulfilling their obligations under the Act;
- naming non-compliant organisations in Parliament and more widely;
- developing measures for ensuring the Government deals only with organisations who comply with the Act; and
- requiring CEOs to sign-off on reports.

Consultation

The Act requires employers to consult with employees by:

- notifying employees (and shareholders) when a report has been lodged, and how they can access it;
- notify employee organisations, where they have members in a workplace, when a report has been lodged; and
- providing employees and employee organisations with the opportunity to comment on reports.

Reporting

- Relevant employers* are required to lodge a report for the reporting period ending 21 March 2014. The reports must be lodged by 31 May 2014. Subsequent reports are required for the requisite reporting periods.
- Relevant employers* must show in their 2015 reporting that by 1 October 2014 they had in place policies or strategies to achieve gender equality in their workplace.

*Smaller organisations with less than 100 employees are not required to report, but are able to access the WEGA's education and incentive activities.

If you require further information about this topic or require assistance to establish relevant policies and strategies, or experience any reporting difficulties please contact Jodie Bradbrook on (08) 8227 2829.

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