

## **Workplace Gender Equality Act 2012 – new reporting measures**

### **Summary**

Employers with 100 or more employees need to ensure that they implement the necessary systems to collect the required information, and report to the Workplace Gender Equality Agency on new prescribed reporting matters under the *Workplace Gender Equality Act 2012*. A legislative instrument has been made prescribing reporting matters for:

- The 1 April 2013 to 31 March 2014 reporting period; and
- The 1 April 2014 to 31 March 2015 reporting period.

### **Workplace Gender Equality Act and Agency**

The *Workplace Gender Equality Act 2012* (the Act) and Workplace Gender Equality Agency (the Agency) replaced the former *Equal Opportunity for Women in the Workplace Act 1999* and Equal Opportunity for Women in the Workplace Agency respectively.

The Act implements new reporting requirements for employers with **100 or more employees** which are being phased-in. Employers are required to prepare a public report and lodge it with the Agency for each 12 month reporting period (1 April to 31 March). The reports must be lodged within two months of the end of each reporting period.

### **Legislative instrument prescribing new reporting matters**

The *Workplace Gender Equality (Matters in relation to Gender Equality Indicators) Instrument 2013 (No. 1)* has been made. This legislative instrument prescribes the reporting matters for:

- The 1 April 2013 to 31 March 2014 reporting period; and
- The 1 April 2014 to 31 March 2015 reporting period.

The reporting matters for the above two periods are set out in the **Attachment**. Employers should ensure that they implement the necessary systems to collect the required information and report on the prescribed matters to the Agency, as required by the Act.

Public reports for the 1 April 2013 to 31 March 2014 reporting period are required to be lodged with the Agency by **31 May 2014**.

Public reports for the 1 April 2014 to 31 March 2015 period are required to be lodged with the Agency by **31 May 2015**.

By now, employers should have lodged their public reports with the Agency for the 1 April 2012 to 31 March 2013 reporting year. For this year, employers were only required to report on their workplace profile. Accordingly, the information required for this year's report is no more onerous than what was required under the *Equal Opportunity for Women in the Workplace Act 1999*.

### **Employer obligations**

Under the Act, an employer must:

- Lodge reports with the Agency within the specified time period (NB. the Agency may grant an extension where there are reasonable grounds);
- Ensure that reports are signed by the Chief Executive of the company;
- As soon as practicable after a public report has been lodged with the Agency, inform the employees of the lodgement and make the report available to them (except remuneration information and personal information). The employer must advise the employees that comments on the report may be given to the employer or to the Agency;
- Within seven days of lodging a public report, take reasonable steps to inform each union that has members in the workplace that a public report has been lodged with the Agency. The employer must advise the union that comments on the report may be given to the employer or to the Agency;

- As soon as practicable after a public report has been lodged with the Agency, inform shareholders or members of the employer of the lodgement and make the report available to them (except remuneration information and personal information). “As soon as practicable” may be at the time when a company’s annual report is distributed to shareholders; and
- Give other relevant information to the Agency if the Agency requests it.

### **Consequences for breaching the Act**

The Agency is responsible for monitoring compliance with the Act.

The consequences of breaching the Act for an employer may include:

- Naming the employer in an Agency report;
- Naming the employer by other means, such as on the Agency’s website or in a newspaper;
- Deeming the employer ineligible to compete for contracts under the Commonwealth procurement framework; and
- Deeming the employer ineligible for Commonwealth grants or other financial assistance.

### **Minimum standards**

The Act requires that before 1 April 2014, the Minister will by legislative instrument set minimum standards for specified gender equality indicators (see attached), specified employers and specified reporting periods. Minimum standards have not yet been set.

If an employer fails to meet a minimum standard in a reporting period and fails to improve against that minimum standard over the next two reporting periods, the employer is deemed to have not complied with the Act.

### **Further information and assistance**

For further information or assistance please call Ai Group’s **BIZassistInfoline** on **1300 78 38 44**.



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## ATTACHMENT

<b>Gender Equality Indicator</b>	<b>Reporting matters for the 1 April 2013 to 31 March 2014 reporting period</b>	<b>Additional reporting matters for the 1 April 2014 to 31 March 2015 reporting period</b>
<b>1. Gender Composition of the Workforce</b>	<ul style="list-style-type: none"> <li>• Disaggregated data by gender on workforce profile is required on:               <ul style="list-style-type: none"> <li>- employment status;</li> <li>- managers; and                   <ul style="list-style-type: none"> <li>▪ Chief Executive Officer (CEO) or equivalent</li> <li>▪ Key management personnel, including distance from the CEO or equivalent; and</li> <li>▪ Other managers, including distance from the CEO or equivalent.</li> </ul> </li> <li>- Non-managers:                   <ul style="list-style-type: none"> <li>▪ Professionals;</li> <li>▪ Technicians and trade employees;</li> <li>▪ Community and personal service employees;</li> <li>▪ Clerical and administrative employees;</li> <li>▪ Sales employees;</li> <li>▪ Machinery operators and drivers;</li> <li>▪ Labourers;</li> <li>▪ Graduates;</li> <li>▪ Apprentices; and</li> <li>▪ Other.</li> </ul> </li> </ul> </li> <li>• The existence of strategies or policies to support gender equality.</li> </ul>	<ul style="list-style-type: none"> <li>• The composition of recruitment applications by gender and by manager/non-manager.</li> <li>• The composition of applicants interviewed by gender and by manager/non-manager.</li> <li>• The composition of applicants appointed to positions by gender and by manager/non-manager.</li> <li>• The number and proportion of employees awarded promotions by gender, employment status and manager/non-manager.</li> <li>• The number and proportion of employees who have resigned by gender, employment status and manager/non-manager.</li> </ul>
<b>2. Gender composition of governing bodies of relevant employers</b>	<ul style="list-style-type: none"> <li>• The existence of a governing body.</li> <li>• The profile of the governing body including number of members and chairpersons by gender where the relevant employer has a governing body.</li> <li>• The targets, if any, that have been set for the gender composition of the governing body.</li> <li>• The existence of a selection policy or strategy for governing body members.</li> </ul>	
<b>3. Equal remuneration between women and men</b>	<ul style="list-style-type: none"> <li>• Disaggregated data regarding the remuneration profile of employees by gender and by workplace profile categories including:               <ul style="list-style-type: none"> <li>- Annualised average full-time equivalent base salary; and</li> <li>- Annualised average full-time equivalent total remuneration.</li> </ul> </li> <li>• The existence of a remuneration policy or strategy.</li> <li>• The gender pay equity objectives, if any, which are included in the remuneration policy or strategy.</li> <li>• Whether any gender remuneration gap analysis has been undertaken and, if so, when.</li> <li>• The actions taken, if any, as a result of gender remuneration pay analysis.</li> </ul>	<ul style="list-style-type: none"> <li>• Disaggregated data by gender on annualised average full-time equivalent components of total remuneration</li> </ul>

<b>Gender Equality Indicator</b>	<b>Reporting matters for the 1 April 2013 to 31 March 2014 reporting period</b>	<b>Additional reporting matters for the 1 April 2014 to 31 March 2015 reporting period</b>
<p><b>4. Availability and utility of employment terms, conditions and practices relating to flexible working arrangements for employees and to working arrangements supporting employees with family or caring responsibilities</b></p>	<ul style="list-style-type: none"> <li>• The existence of employer funded paid parental leave for primary carers, additional to any government funded parental leave scheme for primary carers.</li> <li>• The existence of employer funded paid parental leave for secondary carers, additional to any government funded parental leave scheme for secondary carers.</li> <li>• Disaggregated data by gender and manager/non-manager on the utilisation of parental leave.</li> <li>• The method and quantum of employer funded paid parental leave for primary carers.</li> <li>• The quantum of employer funded paid parental leave for secondary carers.</li> <li>• The proportion of the workforce who has access to employer funded paid parental leave for primary carers.</li> <li>• The proportion of the workforce who has access to employer funded paid parental leave for secondary carers.</li> <li>• Disaggregated data by gender and manager/non-manager on the availability of employment terms, conditions and practices including: <ul style="list-style-type: none"> <li>- Flexible hours of work;</li> <li>- Compressed working weeks;</li> <li>- Time-in-lieu;</li> <li>- Telecommuting;</li> <li>- Part-time work;</li> <li>- Job sharing;</li> <li>- Carer's leave;</li> <li>- Purchased leave;</li> <li>- Unpaid leave; and</li> <li>- Other.</li> </ul> </li> <li>• The existence of a flexible working arrangements policy or strategy.</li> <li>• The existence of policies or strategies to support employees with family and caring responsibilities.</li> <li>• The existence of any non-leave based measures to support employees with family and caring responsibilities.</li> <li>• The existence of a policy or strategy to support employees who have or are experiencing family or domestic violence.</li> <li>• Measures, if any, to support employees who have or are experiencing family or domestic violence.</li> </ul>	<ul style="list-style-type: none"> <li>• Disaggregated data by gender and manager/non-manager on return to work from parental leave.</li> <li>• The number of requests and approvals for extended parental leave by gender and manager/non-manager</li> </ul>
<p><b>5. Consultation with employees on issues concerning gender equality in the workplace</b></p>	<ul style="list-style-type: none"> <li>• Consultation, if any, with employees on workplace gender equality matters.</li> <li>• The mode of consultation with employees on workplace gender equality matters.</li> <li>• The categories of employees consulted.</li> </ul>	
<p><b>6. Sex-based harassment and discrimination</b></p>	<ul style="list-style-type: none"> <li>• The existence of a sex-based harassment and discrimination prevention strategy or policy.</li> <li>• The inclusion of a grievance process in any sex-based harassment and discrimination prevention policy.</li> <li>• Workplace training, if any, for managers on sex-based harassment and discrimination.</li> <li>• The frequency of workplace training about sex-based harassment and discrimination.</li> </ul>	