



Australian Government

Department of Families,
Housing, Community Services
and Indigenous Affairs

Workplace Gender Equality Act 2012

The Australian Government has delivered on its commitment to modernise the Equal Opportunity for Women in the Workplace Act to more effectively support cultural change in Australian workplaces and drive improved gender equality outcomes. This fact sheet outlines the key elements of the new legislation and its implementation.

The amended Act – now called the *Workplace Gender Equality Act 2012* – is an important component of the Australian Government's efforts to support and improve women's workforce participation, and to increase equality in the workplace.

Gender equality delivers benefits to employers, employees and the economy. This legislation is aimed firmly at driving meaningful change in a way that is not burdensome on employers.

In March 2011 a detailed reform package was announced, and the new legislation achieved passage through Parliament on 22 November 2012.

A new name and focus

The new Act is called the *Workplace Gender Equality Act 2012*, and the Agency is now known as the Workplace Gender Equality Agency.

The legislation strengthens the Act and Agency's focus on gender equality, highlighting equal remuneration between women and men, and caring responsibilities as key dimensions.

Streamlined reporting

Reporting has been made simpler and more transparent.

- The requirement for organisations to develop and report on workplace programs has been removed.
- Employers will instead report against a standard set of gender equality indicators, focussing on outcomes.
- As part of making reporting more streamlined, on-line reporting will be introduced.
- Employers will be able to clearly see their performance from year to year, and in comparison with other employers in their industry and across the board.

Business assistance

The Government has almost doubled the Agency's funding to enhance its role in supporting and advising industry.

- The Agency will develop industry-level benchmarks and industry-specific strategies, in consultation with relevant employers and employee organisations.
- It will provide advice, resources, and targeted assistance, particularly to low performing organisations.

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

Employee engagement

Consultation with employees has been further highlighted as a key focus of the Act.

- Consultation is acknowledged as an important component of achieving gender equality, and it is specified as a gender equality indicator.
- Employers will be required to notify employees and shareholders when a report has been lodged, and how they can access it.
- Employers will also be required to notify employee organisations, where they have members in a workplace, when a report has been lodged.
- Employees and employee organisations will be able to comment on reports.

Innovation

The new legislation introduces a number of innovations aimed at improving gender equality, without increasing the regulatory burden on business.

- For the first time under this Act, employers will be required to report on the composition of their governing bodies (eg boards).
- The new Act encompasses women and men, particularly in relation to caring responsibilities.
- Consultation with employers, employee organisations and other stakeholders is a key feature of the Act, including in the development of reporting matters and minimum standards.
- There will be a biennial report to Parliament relating to progress against the gender equality indicators.

Fairer compliance

Compliance has been made fairer and more effective.

- The Agency's improved resourcing will enable it to make sure that all employers who should be reporting are.
- The Agency will be able to review compliance by seeking further information from employers, including on a random basis.
- Non-compliant organisations will continue to be named in Parliament, and also more widely.
- The Government's contract compliance policy – which has been in effect since 1993 – is now referenced in the legislation. Fairer and more consistent measures for ensuring the Government deals only with organisations who comply with the Act will be developed.
- CEOs will be required to sign-off on reports.

Minimum standards

Also as part of making compliance fairer, the Minister will set industry-specific minimum standards.

- This introduces a new transparent way of assessing whether employers are meeting minimum standards of gender equality.
- The minimum standards will be evidence-based, and will enable employers and the Agency to target attention to where improvements are most needed.
- They will be designed to identify those organisations who are struggling the most, and who require the additional assistance provided for in the Act.
- No longer will the Agency have to undertake subjective analysis of the adequacy of an employer's report.
- If an organisation does not meet a minimum standard it will have two years to improve before it may be found non-compliant with the Act.

When do these changes come into effect?

In 2013 employers will only be required to report on their workforce profile. First new reports will be due in 2014, relating to the reporting period April 2013 to March 2014. This will enable employers ample time to adapt to the new focus on data and outcomes.

Minimum standards will not come into effect until the 2014–2015 reporting period.

See table below.

What happens next?

The Government and the Agency will be working with business and other key stakeholder to ensure a smooth transition to the new system. The Workplace Gender Equality Agency will also be contacting reporting organisations directly and regularly throughout the implementation period.

How do I find out more information?

More information can be found at [Frequently Asked Questions](#) and the [Workplace Gender Equality Agency](#).

Implementation of the new <i>Workplace Gender Equality Act 2012</i>			
	Year One	Year Two	Year Three
REPORTS DUE WITH AGENCY	May 2013	May 2014	May 2015
REPORTING REQUIREMENTS	Organisations to provide a workplace profile only	Organisations to report against Gender Equality Indicators	Organisations to report against Gender Equality Indicators. Minimum Standards will also take effect.
COMPLIANCE REQUIREMENTS	Organisations required to lodge a report. Notification, accessibility and right to comment provisions also come into effect.	Organisations required to lodge a report. CEO must sign-off on reports. Notification, accessibility and right to comment provisions also come into effect.	Organisations required to lodge a report. CEO must sign-off on reports. Notification, accessibility and right to comment provisions also come into effect. Minimum Standards must be met Note: Employers not meeting a Minimum Standard are provided with two years to improve. No employer will be found non-compliant on this basis until 2017.