Workplace Gender Equality (Matters in relation to Gender Equality Indicators) Instrument 2013

The Australian Government has introduced a new reporting framework under the Workplace Gender Equality Act 2012, as part of its commitment to support cultural change in Australian workplaces and drive improved gender equality outcomes.

A new reporting framework

The Workplace Gender Equality (Matters in relation to Gender Equality Indicators) Instrument 2013 (the Instrument) was tabled in Parliament on 12 March 2013. This instrument gives effect to the new reporting framework provided for under the new Workplace Gender Equality Act. It improves and streamlines the reporting requirements under the former Equal Opportunity for Women in the Workplace Act 1999.

Innovation

The new reporting framework introduces a number of innovations.

- Reporting will now be in a simple survey format, and will be available online in order to cut red tape for business.
- Employers will report against a standard set of gender equality indicators, focussing on outcomes.
- This will provide employers with the information they need to better understand the gender equality characteristics of their workplaces, and the freedom to design their own strategies to make improvements.

Who will be required to report under the new framework?

The reporting requirements continue to apply to all non-public sector employers with 100 or more employees.

When do the changes come into effect?

Relevant employers will need to report each year. The first reporting period under the new framework commences on 1 April 2013, and ends on 31 March 2014. Reports will be due within 2 months after the end each reporting period.

The instrument specifies reporting matters for the reporting period ending in 2014 and for reporting periods ending from 2015 onwards. This staged introduction of the reporting matters will give employers time to adapt to the changes.

Reporting requirements under the new framework

Reporting will now be under six key gender equality indicators.
Gender Equality Indicator 1 -
Gender composition of the workforce: continuing on from the workplace profile requirements under the previous Act, information on the numbers of women and men in workplaces, by management tiers, employment status, and broad occupational categories. From 2015, information relating to recruitment, promotions and resignations.

Gender Equality Indicator 2 -
gender composition of governing bodies of relevant employers: the gender profile of their governing body.

Gender Equality Indicator 3 -
equal remuneration between women and men: information relating to base and total remuneration data by gender and workplace profile categories.

Gender Equality Indicator 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: whether they have flexible arrangements and policies or strategies to support workers with caring responsibilities and/or employees who have experienced family or domestic violence. This indicator also includes provision of information on paid parental leave.

Gender Equality Indicator 5 -
consultation with employees on issues concerning gender equality in the workplace: whether consultation with employees on matters relating to gender equality has been undertaken and, if so, how.

Gender Equality Indicator 6 - Sex-based harassment and discrimination: whether sex-based harassment and discrimination prevention strategies or policies are in place.

Employers will be asked in a simple yes/no format a limited number of other questions around gender equality plans and strategies under each indicator.

Business assistance
The Government has almost doubled the Workplace Gender Equality Agency’s funding to enhance its role in supporting and advising industry, particularly in relation to the new reporting framework. The Agency and the Government will continue to work closely with employers to make the transition as smooth as possible, and to ensure that employers are maximising the productivity benefits of this new approach.

How do I find out more information?
More information can be found at Frequently Asked Questions and the Workplace Gender Equality Agency.
THE NEW WORKPLACE GENDER EQUALITY (MATTERS IN RELATION TO GENDER EQUALITY INDICATORS) INSTRUMENT 2013

FREQUENTLY ASKED QUESTIONS

What is the Workplace Gender Equality (Matters in relation to Gender Equality Indicators) Instrument 2013?
The Workplace Gender Equality (Matters in relation to Gender Equality Indicators) Instrument 2013 (the Instrument) was tabled in Parliament on 12 March 2013, and is an important step in the implementation of the Workplace Gender Equality Act 2012. This instrument introduces a revised new reporting framework, previously provided for under the Equal Opportunity for Women in the Workplace Act 1999.

The instrument specifies information under key gender equality indicators that employers will report against each year to the Workplace Gender Equality Agency.

How will this information improve gender equality outcomes?
The new reporting framework puts a spotlight on gender equality. All employers will be able to identify and focus on the gender equality characteristics in their workplaces and tailor their approaches in a useful and meaningful way.

Many organisations are already collecting much of the information required and some of this data, particularly workplace profile data, has been provided to the Agency for many years. Leading employers are already using this information to improve gender equality outcomes, and the new reporting enables more employers to benefit from having this information at hand. Strengths and weaknesses within an organisation can be uncovered, and employers can target strategies where they are most needed.

From the information collected through reporting, the Government will establish a long term data set which will provide evidence-based insight at the workplace and industry level. Employers will be able to compare their efforts to their industry peers, and measure progress over time.

What are the key changes introduced by the new reporting framework?
The new reporting framework aims to support employers to drive change. Employers will notice a shift away from descriptive reporting towards survey-type online reporting. The majority of reporting will now consist of simple closed (yes / no) questions and drop down menus.

The other major change is an improved focus on data. Much of the data will have been provided under the old system through workplace profiles. Additional data items will be introduced over time and with helpful supports. New data will focus on key issues relating to governing bodies and remuneration, and from 2015, recruitment, promotion and resignations.
**Why have the reporting requirements been changed?**
The new Act and reporting requirements are a result of a review of the *Equal Opportunity for Women in the Workplace Act 1999* (EOWW Act). The EOWW Act required employers to develop an equal opportunity for women in the workplace program, and provide lengthy descriptions of their workplace program. The review found that the EOWW Act needed to be modernised, and that reporting by employers needed to be made more meaningful, more focussed on outcomes and more useful for employers.

Reporting has been simplified and streamlined to focus on six gender equality indicators. As part of making reporting easier for employers, a simplified online reporting system will be introduced.

**Which organisations will be required to report under the new framework?**
As was the case under the *Equal Opportunity for Women in the Workplace Act 1999*, the Act applies to all non-public sector employers with 100 or more employees.

**When will the new reporting come into effect?**
As in the past, employers report each year. The first reporting period under the new framework will commence on 1 April 2013 and end on 31 March 2014, with the first new streamlined report due by 31 May 2014.

New reporting is being introduced in a staged way to give employers time to adapt to the changes. The instrument sets out reporting matters for the 2014 report, along with some additional reporting matters for the 2015 report onwards. The Government and the Agency will continue to work closely with employers, industry, employee representatives and other key stakeholders to ensure a smooth transition.

**How will reporting be simpler?**
A key aim of the new Act is to simplify and streamline reporting. There has been a large investment made in the Agency’s IT capacity so reporting can be done on-line. The requirement for organisations to develop and report on prescriptive equal opportunity for women in the workplace programs has been removed. Instead, reporting will focus on data and on answering simple questions in a survey style format.

**Will the information I provide in my report be made publicly available?**
Personal and pay data will not be included in public reports. Information about pay will only be published by the Agency at an aggregate or industry level.

Otherwise, reports will be made publicly available. It is important that reporting be transparent, and that reports are accessible for employees, employee organisations, shareholders and the public.

**Will data collected be used to compare organisations within industries and across industries?**
Benchmarks will be a very valuable educative tool developed by the Agency using the data collected in reports. Benchmarks will enable employers to consider their workplace outcomes and practices from year to year, as well as within their industry, and with other industries.

Benchmarks are not tied to compliance or to sanctions, and they will be developed in close consultation with employers and employees.

**What happens if my organisation or industry doesn’t match up?**
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**What do businesses need to do to comply with the new reporting requirements?**
Employers need to submit an accurate report signed by their CEO. Employers also need to notify employees and relevant employee organisations that a report has been lodged and that comments can be made, and provide access to a copy of the report to employees and shareholders. The Agency will provide employers with support and advice throughout the reporting process.

**Why isn’t the public sector required to report?**
The public sector already reports under different State and Federal legislation. The requirements on the public sector either meet or exceed requirements under the Workplace Gender Equality Act.
What are the penalties for failing to comply with the reporting requirements?
As is currently the case, employers who do not comply with the reporting requirements may be named in Parliament. The current policy precluding the Government from doing business with non-compliant organisation continues, but has been referenced in the legislation.

How will assistance to employers be enhanced?
The Government has almost doubled the Agency’s funding to enhance its role in supporting and advising industry and business. The Agency will provide advice, resources and referrals, and targeted assistance. Advice and assistance will be provided by telephone, workshops, telephone conferences, webinars and the Agency’s website.

How do I find out more information?
More information can be found at the Workplace Gender Equality (Matters in relation to Gender Equality Indicators) Instrument Fact Sheet [insert hyperlink] and the Workplace Gender Equality Agency [insert hyperlink]. The Agency will also be contacting reporting organisations directly and regularly throughout the implementation period.