



# Fact Sheet

## EMPLOYMENT LAW

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

*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*

*continued overleaf...*

- *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; and*
- *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 WGEA's education and incentive activities.



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