



January 2018

# Quick guide: reporting and compliance

## Workplace Gender Equality Act (2012)

The Workplace Gender Equality Agency (**Agency**) is an Australian Government statutory agency charged with promoting and improving gender equality in Australian workplaces.

The Agency is responsible for administering the *Workplace Gender Equality Act 2012* (Act).

## Objects of the Act

The principal objects of the Act are to:

- promote and improve gender equality (including equal remuneration between women and men) in employment and in the workplace
- 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
- promote, amongst employers, the elimination of discrimination on the basis of gender in relation to employment matters (including in relation to family and caring responsibilities)
- foster workplace consultation between employers and employees on issues concerning gender equality in employment and in the workplace
- improve the productivity and competitiveness of Australian business through the advancement of gender equality in employment and in the workplace.

## Complying with the Act

A relevant employer will comply with the Act if it:

- lodges a report containing required information each year on time
- has the report signed by the CEO/head of business (or equivalent)
- complies with the notification and access requirements
- meets minimum standards or, if a minimum standard is not met, makes improvements against it by the end of two further reporting periods
- if asked, gives the Agency information for the purpose of reviewing compliance
- does not give false or misleading information in a report, or when providing information as requested by the Agency for the purpose of reviewing compliance.

The Agency may review a relevant employer's compliance with the Act by seeking further information from the employer. The Agency may conduct reviews on a random basis and may also take into account [comments](#) made to it by employees or employee organisations when determining if a review is to be conducted.

The Agency may name a non-compliant employer in a report to the Minister or by electronic or other means. Non-compliant employers may not be eligible to tender for contracts under the Commonwealth and some state procurement frameworks and may not be eligible for some Commonwealth grants or other financial assistance.

# Reporting to the Agency

## Who needs to report?

All non-public sector employers with 100 or more employees (relevant employers) are required to report annually to the Workplace Gender Equality Agency (**Agency**) (this includes corporate structures that, in total, employ 100 or more employees across all employing entities within that structure). Employers with less than 100 employees within their corporate structure are not required to report, however, if a relevant employer has previously reported and its numbers fall below 100, it must continue to report until employee numbers fall below 80 for six months or more of the particular reporting period. The six months do not have to be consecutive months.

## What needs to be reported?

Relevant employers are required to report against a set of standardised gender equality indicators (GEIs).

The GEIs relate to areas that are critical to gender equality:

- GEI 1: gender composition of the workforce
- GEI 2: gender composition of governing bodies of relevant employers
- GEI 3: equal remuneration between women and men
- GEI 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
- GEI 5: consultation with employees on issues concerning gender equality in the workplace
- GEI 6: any other matters specified by the Minister in a legislative instrument: sex-based harassment and discrimination.

Relevant employers are required to report on both a workplace profile and a reporting questionnaire, structured around the six GEIs. The specific information to be provided under each GEI are set by the Minister<sup>1</sup> in consultation with the Agency and other stakeholders and are outlined in the applicable legislative instrument:

- Workplace Gender Equality (Matters in relation to Gender Equality Indicators) Instrument 2013 (No. 1) as amended: provides a reporting framework in relation to gender equality indicators for relevant employers.

For an indicative format of a compliance report see the [reporting resources](#) section of the Agency's website.

## When to report?

The reporting period under the Act refers to the 12 months from 1 April to 31 March, with reports being due between 1 April and 31 May each year.

## How to report?

As part of making reporting more streamlined and to complement the provisions of the Act, reporting is available online, using a secure reporting portal. Reporting organisations log into the system using an AUSkey and submit all information through the portal. The portal also provides an ongoing record of all of reports to track data over time.

## Comments

The Act provides for employees and employee organisations with members in an employer's workplace to be able to comment to the employer, or to the Agency, on the employer's report. Refer to the '[Comments guidelines](#)' section of the Agency's website for more details.

## Privacy

Reports will be made public but when published will not include personal information, remuneration details and other information that may be specified by the Minister.

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<sup>1</sup> The Minister must specify matters in relation to each GEI prior to the beginning of the reporting period to which they apply.

# Notification and access requirements

To comply with the [notification and access requirements](#), a relevant employer must:

- inform its employees and members or shareholders, as soon as reasonably practicable, that it has lodged its report with the Agency and advise how the report may be accessed
- provide access to the report (excluding personal information, details on remuneration and other information that may be specified by the Minister) to employees and members or shareholders, as soon as reasonably practicable after the report has been lodged
- inform employee organisations with members in its workplace, within seven days after lodgement, that the report has been lodged
- inform its employees and those employee organisations with members in its workplace of the opportunity to comment on the report to the employer or Agency.

## Minimum standards

[Minimum standards](#)<sup>2</sup> represent the standard expected to achieve a particular objective under a GEI. They are additional compliance requirements for relevant employers with 500 or more employees to better support gender equality and diversity in the workplace and represent the minimum an employer must do to demonstrate a commitment to gender equality in their workplace.

Relevant employers with 500 or more employees are required to have a policy or strategy in one of the following areas:

- GEI 1 - gender composition of the workforce
- GEI 3 - equal remuneration between women and men
- GEI 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
- GEI 6 - sex-based harassment and discrimination.

If an employer that is required to meet the minimum standard does not do so, it will have a further two reporting periods to improve against the minimum standard before it may be deemed non-compliant by the Agency. It will not be possible for a relevant employer to fail to comply with the Act on the basis of failure to improve against a minimum standard until the end of the 2017–18 reporting period.

The Agency is committed to offering relevant employers additional advice and assistance to improve performance where they have not met a minimum standard.

## Competitor Analysis Benchmark Reports

For educational purposes, the Agency provides feedback to each relevant employer in the form of confidential, customised [Competitor Analysis Benchmark Reports](#) on their gender performance. The Agency collects and analyses aggregated data from reports which enables the development of the benchmarks and allows employers to compare their progress in gender equality with others in their industry.

These Competitor Analysis Benchmark Reports are a powerful business intelligence tool, enabling employers to compare their gender performance to their peers, identify areas for improvement and track the effectiveness of their gender equality strategies over time.

These are also helpful to the Agency for targeting advice and assistance, encouraging genuine progress and assisting with the setting of voluntary targets.

## Advice and assistance

The Agency will provide advice and assistance to employers (including smaller employers not required to report) in relation to promoting and improving gender equality in the workplace. Advice and assistance will be provided by telephone, e-Learning modules, teleconferences, webinars and the Agency's website. In preparing for reporting, it is recommended that your organisation work through the [reporting resources](#) available from the Agency's website.

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<sup>2</sup> See the [Workplace Gender Equality \(Minimum Standards\) Instrument 2014](#).