

Policy note - COVID-19 arrangements for WGE Procurement Principles

June 2020

Purpose

This document provides guidance on how the Workplace Gender Equality Procurement Principles (**Principles**) should be applied in light of the impact of the COVID-19 pandemic on Australian businesses.

Introduction

The *Workplace Gender Equality Act 2012* (**WGE Act**) requires relevant employers to submit a report to the Workplace Gender Equality Agency (**WGEA**) each year. Relevant employers are non-public sector employers with 100 or more employees or, in the case of corporate structures, 100 or more employees across all entities.

WGEA recognises that the COVID-19 pandemic has caused significant disruption to Australian businesses and their operations. WGEA has the discretion under the WGE Act not to name a particular employer as being non-compliant. This is assessed on a case-by-case basis.

Due to the COVID-19 pandemic, the application of the Principles has been amended in relation to the 2019-20 reporting period under the WGE Act. The COVID-19 arrangements that apply to the Principles, for the 2019-20 reporting period only, are set out below.

COVID-19 arrangements for the 2019-20 reporting period under the WGE Act

- If, because of circumstances attributable to the COVID-19 pandemic, a relevant employer is unable to submit a public report for the 2019-20 reporting period in accordance with its obligations in sections 13 and 13A of the WGE Act, the WGEA may, at its discretion under section 19D of the WGE Act, provide the relevant employer with a letter confirming that the employer will not be named as being non-compliant with its obligations under the WGE Act for the 2019-20 reporting period (**COVID-19 letter**).
- In the case where a relevant employer has received a COVID-19 letter from WGEA, the employer may still be required to comply with notification obligations imposed under the terms of an existing contract with an Australian Government agency. Where appropriate, Australian Government agencies are to accept the COVID-19 letter from a relevant employer instead of an annual letter of compliance for the 2019-20 reporting period, to meet their notification obligations.
- The relevant employer can submit the COVID-19 letter, in lieu of a letter of compliance, to satisfy the requirement set out in paragraph 5.1.2 of the Principles.



- In relation to request documentation, Section 8 of the Principles relevantly require Australian Government agencies to include model clauses in tender request documentation which provide that tenderers that are relevant employers must comply with their obligations under the WGE Act, provide letters of compliance and notify agencies if they become non-compliant with the WGE Act. Despite the usual requirement in 8.1.1 of the Principles, agencies should treat a COVID-19 letter from the WGEA supplied by relevant employers as if it were an annual letter of compliance.
- Where a current letter of compliance is requested by a procuring Australian Government agency in the request documentation, those relevant employers issued with the COVID-19 letter can submit that instead. Where they are asked to declare if they have a current letter of compliance, they will be permitted in those circumstances to indicate 'yes'.
- Where relevant and unless the context otherwise requires, the definitions in the Principles apply to terms used in this policy note.

Other guidance on COVID-19 procurement policy – for Australian Government agencies and officials

The Department of Finance has issued a 'COVID-19 – Procurement Policy Note' to assist entities who are considering undertaking procurements in the current COVID-19 environment or are addressing contractual matters with affected suppliers. Please refer to the ['COVID-19 – Procurement Policy Note'](#) for detail.

Contact WGEA

If you have any questions about this policy note or wish to discuss your organisation's circumstances in relation to submitting a report to WGEA for the 2019-20 reporting period, please contact WGEA at:

Email: wgea@wgea.gov.au

Phone: (02) 9432 7000 or 1800 730 233

Level 7, 309 Kent Street
Sydney NSW 2000

If you are deaf, or have a hearing impairment or speech impairment, contact us through the National Relay Service. Further detail is available on WGEA's website: www.wgea.gov.au